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**CITY OF LONG BEACH**

**RECOMMENDATIONS FOR OPTIMIZATION OF  
LONG BEACH CODE ENFORCEMENT AND  
NUISANCE ABATEMENT FUNCTIONS**

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**May 11, 2004**



**MANAGEMENT PARTNERS**  
I N C O R P O R A T E D

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## **I. EXECUTIVE SUMMARY**

This report recommends significant changes to Long Beach Code Enforcement and Inspection programs. Changes are necessary to improve performance in several of the service areas, which can best come by increasing accountability within the system and building upon existing successful programs. In addition, the City cannot realize its goal of reducing expenditures in this area by some \$700,000 per year without significant increases in productivity and cost effectiveness. This is the cost savings goal established in the Three-Year Financial Strategic Plan over a two-year period (FY04-05).

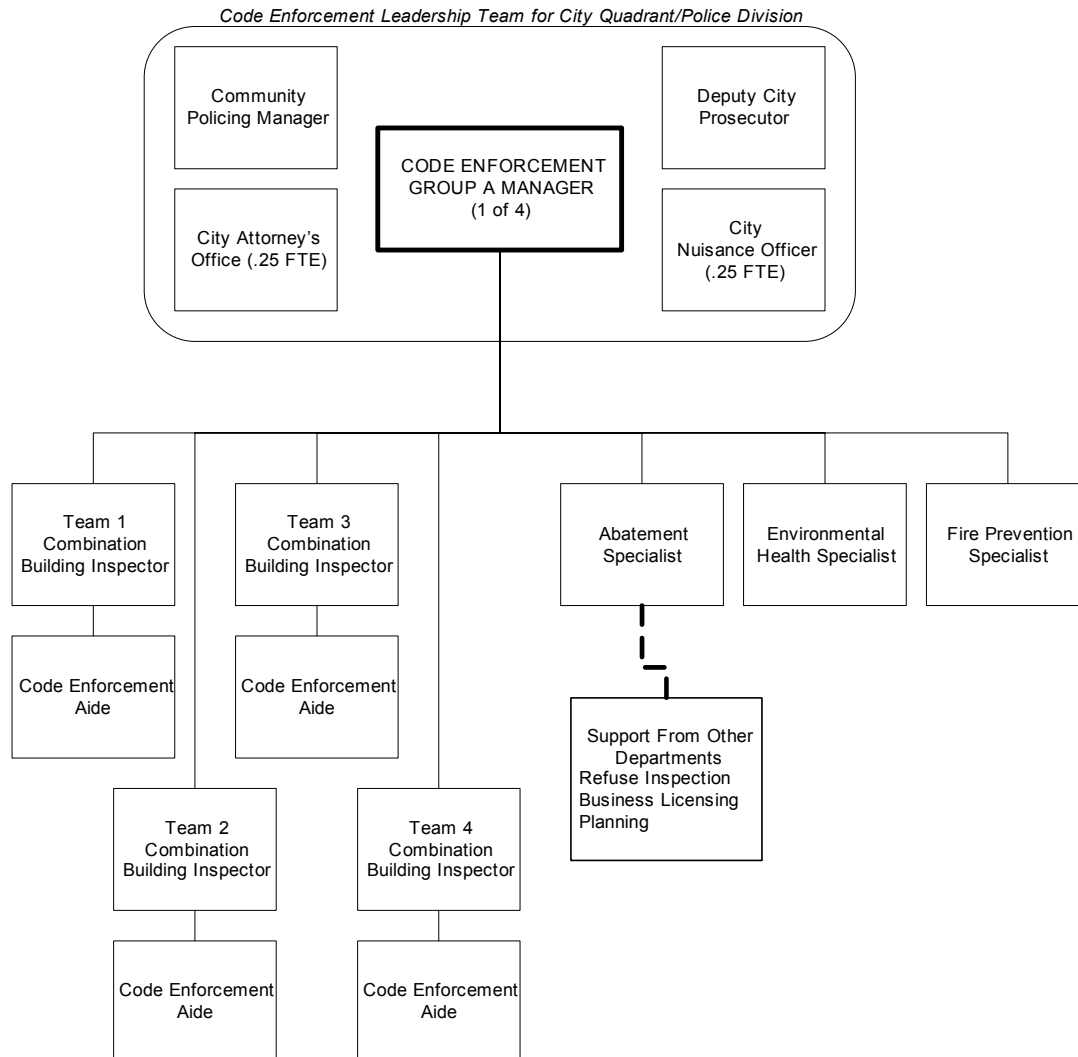
After our independent review of code enforcement and inspection services we believe there are ways to obtain these objectives within existing resources and without a substantial reduction in services, but it will require a substantial reworking of the organization and existing service delivery structures.

This is a complex report concerning a complex service area that is diffused throughout the City. Complex systems fail in complex ways and this is no exception. This report traces the failures and also the outstanding successes contained within the overall umbrella of code enforcement and inspections within the City of Long Beach. It makes far-reaching recommendations, each of which is either working in another similar setting or already working in Long Beach.

A fundamental finding of this report is that there is a serious “disconnect” between the City’s strategic plan objectives and the current organizational structure with regard to code enforcement and inspection services.

This lack of clear organizational clarity leads to an overall lack of responsibility for the function and results. The City needs to combine and consolidate code enforcement efforts and some permit inspections to take advantage of existing areas of service overlap, and to improve accountability and productivity. Following successful formulas used in both Long Beach and other cities, the best way to do this is from the bottom up. A set of multi-disciplinary code enforcement / inspection teams based at the neighborhood level would assign individual inspectors within the team to complete all housing inspections, business license inspections and code enforcement in their geographically-assigned areas. These teams would in turn become part of four basic code enforcement and inspection groups (quadrants) in the city, organized to integrate with the Police Department Divisions and City Prosecutor assignments. The code enforcement groups would report to a centralized, citywide management unit focused on code enforcement and inspections and which would also serve as a single “intake” office for all code enforcement complaints. A consistent system of priorities will help the groups and teams organize their work, and a uniform system of performance measurement will allow management to deploy resources as needed, including in task forces, to address chronic nuisance problems, while also ensuring accountability and productivity.

The basic organizational structure of a code enforcement group would be as shown below:



In conjunction with the reorganization, the City needs to revamp the administrative processes which support code enforcement. Field level inspectors need more authority to issue citations for code violations and the City needs a more swift, sure and coordinated method for civil enforcement actions and referrals to the City Prosecutor for criminal prosecution. Property rights need to be respected as well and therefore an administrative hearing process needs to be retained, but it can be streamlined and more results-oriented to reduce the duration of each case and administrative effort spent by the City.

Finally the City needs to take proactive steps to reduce the need for code enforcement services by reducing the deterioration of neighborhoods. A neighborhood-based code program is part of this effort, but so is an Inspection on Sale program to ensure property meets city codes when sold. This report also calls for the creation of a Redevelopment Agency program to improve and rehabilitate buildings in the City's redevelopment project areas. The new program would couple rehabilitation loans and grants with a proactive code enforcement effort.

Specifically this report recommends:

1. Reorganizing code enforcement, along with all housing inspection programs, business license and most fire code inspections into a centrally managed bureau. This bureau will be organized on a geographic basis, with four code and inspection groups keyed to the existing police department divisions. Each code group would have a number of code enforcement teams (determined by demand) operating in designated neighborhoods similar to the existing Community Code Enforcement programs. In addition to other specialized inspectors, each code group would have an abatement, administrative enforcement and prosecution specialist responsible for managing difficult cases by coordinating the use of Nuisance Abatement, City Attorney and City Prosecutor resources as necessary.
2. Receiving all code enforcement complaints in a central location and logging them into a unified database for assignment to each code group for prioritization and resolution. A modern case management system will be added as part of the current effort to upgrade code enforcement software.
3. Instituting a common performance measurement system for all inspection and code enforcement programs. Management will use this system to deploy resources and balance workloads.
4. As soon as practicable, reducing the use of specialized inspectors, such as sworn firefighters, environmental health specialists and combination building inspectors, for the more routine inspections and code enforcement cases (e.g., weed abatement, abandoned vehicles, and property maintenance cases). A new, somewhat less costly, generalist class code enforcement aide classification will be created and phased in as one of the basic classifications utilized in the code enforcement teams.
5. Consolidating like-inspections (assisted housing, multi-family health housing, certain types of fire inspections and business license inspections) to the maximum degree possible. Groups will retain a Combination Building Inspector/Abatement Specialist, Fire Inspector and Environmental Health Specialist to provide oversight and inspection on the more complex code enforcement cases and inspections.

6. Revising administrative enforcement procedures to provide inspectors, code enforcement aides and other City staff with broader authority to issue citations for the numerous weed, trash and property maintenance-type violations that make up the bulk of the workload. The existing BEAC process will be streamlined by an administrative hearing process managed by the City Manager's Office.
7. Initiating an Inspection on Sale program, at least for multi-family residential buildings, to reduce the demand for code enforcement going forward in more cost effective violation resolution through a financially self-sustaining program.
8. Consolidating similar inspections by the Health Department hazardous waste inspection programs and the Fire Department's hazardous waste inspection / business plan program.
9. Ensuring that both of the hazardous waste programs are completely self-supporting from permit revenues.
10. Using on-duty firefighters to conduct initial inspections for all "backlogged" complaints to determine if the complaint is valid. Valid complaints will be forwarded to code enforcement for further action.
11. Broadening the role of on-duty firefighters for the completion of fire inspections in their station areas in coordination with the appropriate code enforcement team
12. Initiating a new Redevelopment Agency program designed to alleviate blight in the most deteriorated areas of Long Beach, which are located in redevelopment project areas. The Redevelopment Agency program would be developed and funded by the Redevelopment Agency to support pro-active code enforcement services.
13. Completing a cost of service study for all major permit types. Adjust permit fees as necessary to fully cover the costs of providing all permit programs, including the costs of enforcement efforts necessary to maintain permit compliance.

The economic analysis prepared in conjunction with these recommendations indicates the City can conservatively expect cost reductions and/or revenue increases to generate a net positive impact of approximately \$1.0-2.0 million annually when the recommendations are fully implemented. Implementation will take some time, however, because of the significant organizational changes proposed.

## **BACKGROUND**

### **City Objectives and Expectations**

The City of Long Beach faces a significant general fund structural deficit. To address this problem the City has implemented a Three-Year Financial Strategic Plan designed to reduce the deficit through targeted cost reductions, service curtailments and revenue enhancements.

This analysis is part of the effort to address the structural deficit while simultaneously providing recommendations that will optimize the delivery of code enforcement and nuisance abatement services. The concept of optimization implies making changes in variables within the control of the City to maximize the utility of the program within the constraints or parameters the City faces. In simple terms, this means the City wants to do the best possible job of code enforcement with the resources it has. Because of the structural deficit, the City projects that it will be able to save approximately \$700,000 on this service within the General Fund in Fiscal Year 2005. Currently, about \$10 million is spent on direct citywide expenditures for code enforcement and nuisance abatement. Of this amount, approximately \$5.4 million comes from the General Fund.

The purpose of this analysis is to help the City identify ways to change operations to improve code enforcement operations while reducing the level of support from the General Fund. This report focuses mainly on the variables that the City controls in the delivery of these services, including:

1. Eliminating or consolidating duplicative efforts;
2. Improving inter- and intra-departmental communication to increase productivity
3. Developing a priority-setting methodology to allow the City to focus on the most serious code enforcement and nuisance abatement problems;
4. Streamlining overall processes and/or identifying alternative service delivery opportunities to improve productivity;
5. Instituting better performance measurement techniques to allow for more effective program and resource management; and
6. Making changes to the current financing approach to yield a more self-supporting set of programs.

This is a relatively broad range of issues. The potential for substantial changes opens the possibility of significant organizational changes and modification to what and how services are provided.

The major constraints the City faces in this optimization process are the shrinking resources expected to be available from the General Fund (a fact that makes the addition of personnel supported to any degree by the General Fund a practical impossibility) and

the fact that State law mandates that the City provide certain permitting and code enforcement services. Other significant constraints include restrictions on the use of non-general fund monies, labor agreements and the City's fundamental Strategic Plan goals such as supporting neighborhood efforts to create beauty and pride and eliminating neighborhood nuisances. Ongoing code enforcement and nuisance abatement efforts are an integral part of achieving this goal.

Adding to the complexity of this task is the fact that Long Beach has one of the most intricate systems of code enforcement in California, if not the United States. This analysis documented 23 separate code or nuisance abatement programs operating in eight different City departments. Moreover, Long Beach has a great need for code enforcement and nuisance abatement services. The City has one of the highest population densities of any city in the State as well as a very high percentage of rental units controlled by absentee owners and numerous severely deteriorated neighborhoods.



### **III. APPROACH**

Management Partners, Inc. was selected via a competitive selection process, initiated with a solicitation of proposals in May 2003, to complete this study on behalf of the City of Long Beach. Management Partners is a national management consulting firm devoted to serving cities, counties and other local government entities. This project was initiated on September 30, 2003. The timeframe for completion of the project and delivery of the final work product was estimated to be three months. After preparation of an initial draft, significant time was spent in meetings with department staff to discuss the proposed changes. The result of these discussions can be found in this final report.

Management Partners began this project by undertaking personal interviews with over 60 individuals, including all department heads and a cross-section of managers and employees in all City departments involved with code enforcement and nuisance abatement activities. These interviews provided the opportunity to gather general information on the status of City operations, identify perceived problem areas, and gain insight into organizational dynamics.

During the course of this review, Management Partners collected numerous documents from City staff that relate to City code enforcement and nuisance abatement operations, including budgets, work plans, workload tracking data, contracts and agreements, maps, financial reports, and more. These items were reviewed and, when appropriate, analyzed to provide further insight.

In November 2003, Management Partners held five focus groups. Four of these focus groups involved a representative cross-section of the employees involved in the delivery of code enforcement services. The employee focus groups served as an opportunity to gather additional information regarding employee concerns and suggestions. In addition to employee focus groups, a focus group meeting involving neighborhood groups and interested citizens that have participated in various code enforcement initiatives was held. Each focus group session lasted two hours, during which participants were asked to express their perceptions of City operations and service to customers, and make recommendations for possible improvements.

In order to understand the work environment and existing procedures, Management Partners completed “ride-alongs” with several field inspectors, attended a community meeting focusing on code enforcement issues in the Hellman area, and attended hearings of the Building Enforcement and Abatement Committee (BEAC), Neighborhood Nuisance Abatement Program (NNAP) and City Prosecutor’s office.

In order to gauge the perceptions of City elected officials regarding City code enforcement operations, Management Partners completed interviews with seven City Council members and several Council staff members actively involved in code enforcement issues.

In conjunction with City staff, Management Partners created process maps of the larger code enforcement programs. This provided an understanding of the various steps involved in completing (or closing) a code enforcement or nuisance matter, the time required and the decisions which must be made in handling cases. This information also provides a benchmark that can be used in comparing with other City code enforcement and nuisance abatement procedures. These flow charts are either referenced as an attachment or provided within this report, when appropriate.

Having thoroughly examined the Long Beach code enforcement operations, the next major task of this study was to gather information on how other large cities approach the job of code enforcement and nuisance abatement and to compare this with how the services are delivered in Long Beach. During this work, Management Partners identified recognized “best practices” in use by other cities, as well as the City of Long Beach, which represent optimal operations for various facets of the code enforcement and nuisance abatement, and which may have benefit to Long Beach. Another part of this external analysis was to determine typical expenditure and staffing levels for code enforcement activities in other cities, and determine how these compare with Long Beach.

During the study process Management Partners met regularly with the project steering committee to report findings, raise issues and generally discuss alternatives for optimization of the system. Along with these meetings, Management Partners furnished several interim deliverables to steering committee members to help them oversee and guide the analytical process.

The work program described above represents an aggressive effort to understand the operations of a highly decentralized and administratively complex system, which has developed over several decades in response to a variety of new challenges that confront the City. In fact, what we loosely call the code enforcement system is in actuality a set of semi-autonomous but related functions. As a result, service delivery methods, work tracking and even budgeting vary tremendously, a fact which results in certain limitations in this analysis. Nevertheless, this report is detailed enough to support the numerous recommendations for significant changes in the existing approach. It is also the first attempt to look at these functions in a comprehensive manner since 1977.

In regards to methodology, it should be noted that focus groups and interviews, when conducted in a structured manner by a neutral third party, are a reliable source of important information. The information developed in the focus groups and interviews came from the independent reviewer's request for information of City employees and City residents in a confidential setting. The discussions centered on how the participants assess the quality of City services and what suggestions they could offer about ways the

services can be improved. Our work has been usefully informed by this important information. Each step of the methodology serves as a means of validating and cross checking the information developed in other phases of the work to ultimately provide the City with insight regarding current operations, recommendations for improving service, and efficient use of employee resources.

Human organizations are dynamic and constantly changing. They are always adapting to the environment within which their employees work and are affected by the continuing flow of internal and external changes. Where there are relevant or significant changes affecting matters under review, an attempt has been made to point them out so that the reader will appreciate the context of the analysis.

The very nature of a study of organization and process is to look for ways of improving the services. All of the good practices and procedures are the beginning point from which further improvement is sought. As the findings and recommendations for the City of Long Beach are reviewed, it is important to note that a management study attempts to focus on suggestions for improvement, not those matters that are already adequately addressed.

A summary of the recommendations of this report can be found as Exhibit 1.

## **IV. ANALYSIS**

### **Summary of Code Organization and Operations in Long Beach**

It is important to have an understanding of what the code enforcement program in Long Beach consists of and how it performs before discussing recommended changes to the current system.

Excepting the Police Department's enforcement of traffic and parking regulations and the Fire Department's Harbor inspection program, there are over 20 different programs that are involved in Code Enforcement within the City of Long Beach. These programs are spread across a total of eight Departments (Police, Fire, Planning and Building, Health, Community Development, City Attorney, City Prosecutor and the City Manager). Within each department, code enforcement activities may be found in operationally separate bureaus and/or divisions. It is a decentralized "system" reflecting the varied territory covered by the Long Beach Municipal Code (LBMC).

These code functions can be loosely organized around three functional areas which are each reflective of a core business approach. These are:

- 1) **Recurring Permit-oriented programs**, where the main product consists of inspections. This class does not include inspections associated with non-recurring new building construction or remodeling permits. These are mainly scheduled but are also done based on complaints and to follow-up on identified violations;
- 2) **Complaint-based programs**, where the City is reacting to a complaint lodged by a member of the public or City staff. These can be for occupancies which are not covered by a permit-based inspection, or for a permitted occupancy, but not for compliance directly related to the permit. Another subcategory within this group would be a "nuisance" property, which is usually distinguished by code complaints at a location with significant police issues; and
- 3) **Neighborhood-based programs**, which are proactive in nature, and aimed at an existing neighborhood, usually in conjunction with a community-based neighborhood organization.

Each of these programs is briefly summarized in Tables 1, 2 and 3 below. The budget numbers are for the current (2004) year. It is important to note that many of these programs, especially those which are permit based, fully cover the direct costs noted but **do not** cover very real indirect costs to the City including workers compensation costs, pension bond costs, departmental and some citywide overhead.

**Table 1. Recurring Permit Based Inspections**

<b>Name</b>	<b>Department</b>	<b>Focus</b>	<b>Budget</b>	<b>FTE</b>	<b>Funding Source</b>
Assisted Housing	Community Development	Annual Inspection for HUD housing quality standards	\$625,000	8	Housing Authority Funds
Fire Prevention	Fire	Inspection of all designated commercial, residential and high rise occupancies on an annual basis for fire code violations.	\$631,275	5	General Fund
Fire Station R-1 Inspections	Fire	Citywide; station personnel inspect R-1 (multi-unit apartments) once/year for fire code	Not Tracked Separately - Relatively minor marginal costs	On-Duty Fire-fighters	General Fund /Permit Fees
Multiple Unit Housing Inspection	Health	Inspection of all buildings with 4 or more units for State Housing Code compliance. Each building is inspected every 1-2 years.	\$1,154,275	14.95	Health Fees*
Food Facility Inspection Program	Health	Citywide - all food establishments and vendors as established in State Law. Food vendors inspected 2-4 times per year.	\$1,259,000	18.7	Health Fees*
Hazardous Waste Generator Inspections	Health	Citywide storage and disposal of designated materials, medical waste, noise and garment manufacturing per State law and LBMC. Also respond to emergency spills.	\$1,216,000	10.65	Health Fees*
Garage Inspection	Planning and Building	Inspects on sale in parking impacted areas, to insure required number of spaces are provided	\$108,497	1.5	Permit Fees
Business License	Planning and Building	Businesses are classed as high, moderate and low risk. Team including fire, police and health. Moderate and high risks are usually team inspections	\$146,401	1.75	Business License Fee
Oil Well Sites	Planning and Building	24 oil areas. Enforces city code plan checks construction on or near oil well sites	\$207,015	2.3	Permit Fees

Not including on duty firefighters there are approximately 63 FTEs associated with the operation of these programs. Approximately 80% of this staff is field (inspection) level staff.

**Table 2. Complaint-Based Programs**

<b>Name</b>	<b>Department</b>	<b>Focus</b>	<b>Budget</b>	<b>FTE</b>	<b>Funding Source</b>
Neighborhood Nuisance Abatement Program (NNAP)	City Manager and City Attorney	Citywide. Directed at chronic nuisances only. Criteria are 3 or more complaints in 60 days from 2 or more sources; nature of violations demands a coordinated response from multiple departments. Principal tool is 9.37 LBMC abatement	\$384,502	2.5	General Fund / CDBG
Refuse Investigations	LB Energy	Citywide; monitor properties for trash overflow, document case, and increase service if problem. Coordinate w/ other departments on code issues or sweeps.	\$155,000**	3	Utility Fees
Substandard Buildings	Planning and Building	Dangerous conditions - Citywide except in CCE, CCP or NIC/ICE areas	\$637,139	5.65	General Fund
Property Maintenance and Vehicle Citations	Planning and Building	Handles only non-CCE, CCP, areas of the city. Most complaints fall into this category or weeds and vehicles. Staff believes about 90% of reported alleged violations are actual, and that approximately 50% are cured by initial notification of possible violation letter.	\$400,684	5.2	General Fund
Weed Abatement and Abandoned Vehicles	Planning and Building	Respond to complaints about violation of LBMC dealing with overgrown vegetation, trash and abandoned vehicles. Staffing for this function was reduced in the 2004 budget	\$220,075	1.75	General Fund
Zoning Enforcement	Planning and Building	Citywide. Approximately 70-80% of cases are brought into compliance in 30 days with no Prosecutor involvement. Staffing for this function was reduced in the 2004 budget.	\$273,030	3.7	General Fund

\* Estimate based on salary for assigned personnel

Not including support staff from the City Prosecutor, Police Department, or other City Departments there are approximately 21 FTEs assigned to these programs. Office support staff (non-field) staff constitutes a total of only between 1 and 2 FTE.

**Table 3. Neighborhood-Based Programs**

<b>Name</b>	<b>Department</b>	<b>Focus</b>	<b>Budget</b>	<b>FTE</b>	<b>Funding Source</b>
Neighborhood Services Programs (Safe Streets Now!, Property Management Training, Dispute Resolution)	Community Development	These programs are mostly oriented at giving community residents and landlords the tools to help themselves. They provide some assistance in navigating City process. Block Grant Eligible Areas	\$155,000**	2.5	Block Grants
District 9 - Project NICE	District 9	Field Deputies verify violation, directly send first letter and then refer to City Prosecutor	\$47,500*	.75	General Fund
Neighborhood Improvement Strategy Areas	Planning and Building	More intensive neighborhood based efforts in low income and blighted areas. Contract for services is negotiated annually between CD and Planning and Building.	\$1,240,065	12.15	Block Grants
"Fresh Start" Program	Planning and Building	A complaint driven process related to serious neighborhood problems. Targeted at CDBG eligible areas. Serves as a vehicle for interdepartmental coordination. Along with NNAP, has acted as staff to Strike Forces. Works closely with Police divisions using Pass. May target a single property or a group of properties.	\$107,000	1	CDBG
Community Code Enforcement	Planning and Building	Work in neighborhoods with community organizations. CCE does not carry alleged cases. All cases are being worked. Major difference with other P&B code enforcement programs. Staffing is down from 7 FTE.	\$518,844	5.2	General Fund
Code Compliance Program	Planning and Building	This is a pilot program involving community prosecution and code enforcement. Interdepartmental approach with significant resources from PD, Health and Prosecutor. Program faces elimination due to budget cutbacks	\$280,124	5	Grants / General Fund
Project Impact	Prosecutor	Objective is to involve prosecution in case early to achieve more timely compliance. Was 18-month grant, ended 11/02. Activities are now under community prosecution in partnership with CCE and CCP programs.	\$239,000	2	General Fund / CDBG

\* Current fees do not fully off-set total City costs

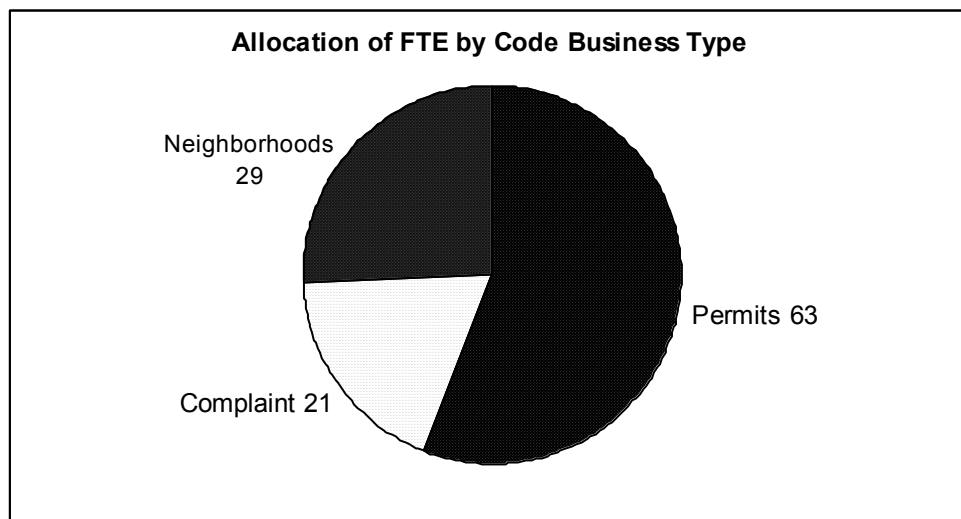
\*\* Estimate based on salary for assigned personnel

Approximately 29 FTEs are associated with these programs. As with the other code programs, these are mainly field inspectors. However, the Code Compliance Program is slightly different, as it has 1 FTE police officer and 1 FTE prosecutor along with .5 FTE public health nurse and .5 planner working with 2 inspectors. As with the other complaint-based code programs, significant services are provided by Police, Fire, and the City Prosecutor's Office.

### **The Long Beach Code Enforcement System**

As the above tables show, the Long Beach code enforcement system is diversified and decentralized. Figure 1 below shows how the total FTE associated with the code programs are allocated by business type.

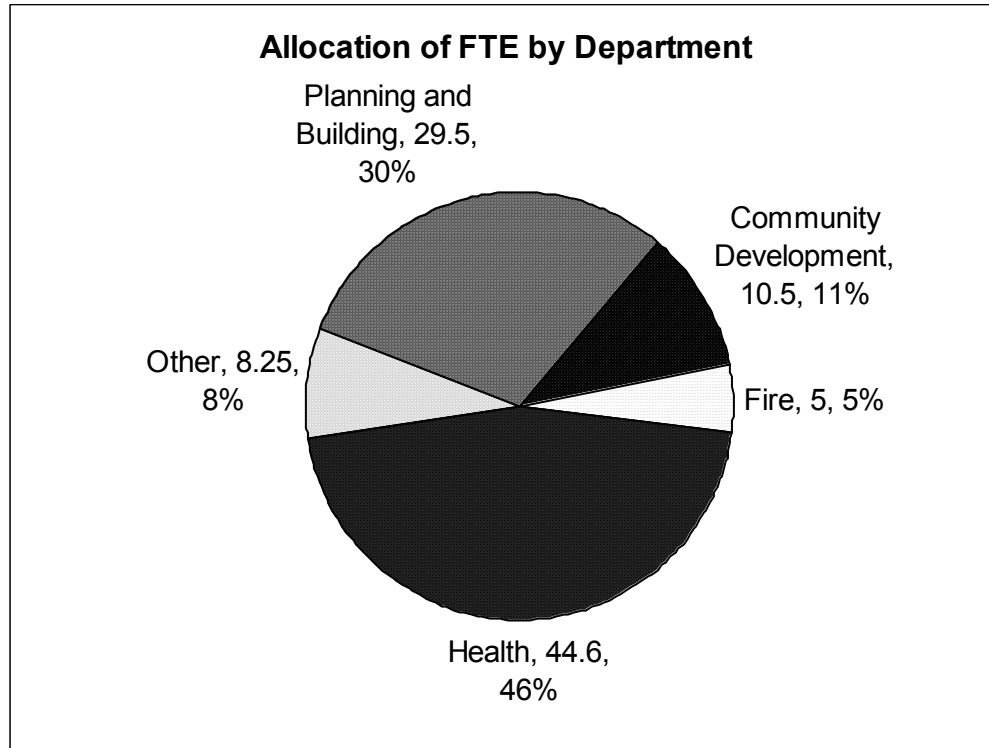
**Figure 1 - Allocation of FTE by Code Business Type**



As Figure 1 shows, the permits type of code business has the most personnel. It also generates the most revenue for the City. Another way to understand the make-up of code enforcement within the City is to examine which code enforcement staff are assigned to various departments. As Figure 2 below shows, the bulk of the permits type of employees are assigned to the Health Department. The next largest "home" department for employees is Planning and Building. The majority of staff in the neighborhood- and complaint-based functions is housed in the Planning and Building Department.



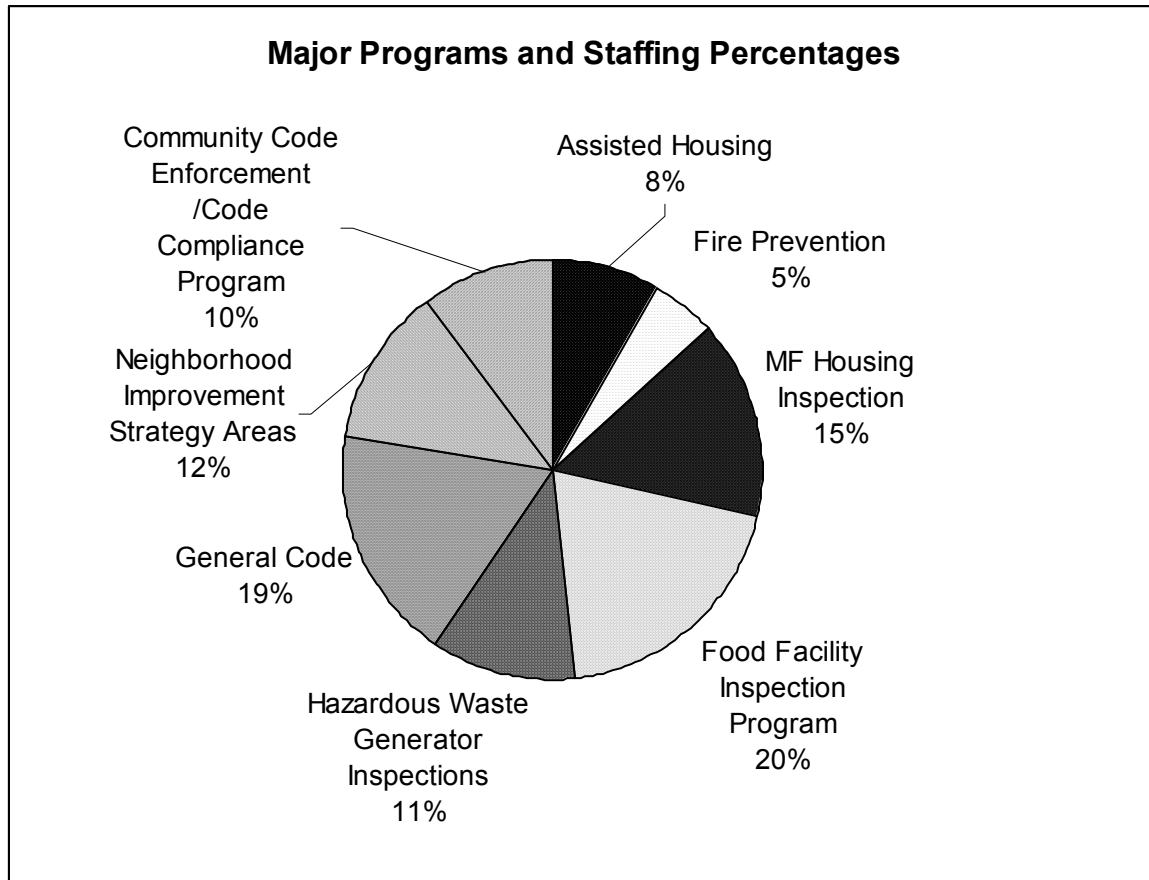
**Figure 2 - Allocation of FTE by Department**  
(Construction permit inspection is not included)



Staff in the “other” category includes those assigned to the City Manager’s and City Attorney’s offices as well as the police, public health and prosecutor staff assigned to the CCP program.

Although there are some 22 different inspection, code enforcement and nuisance abatement programs, 87% of the personnel involved in these functions work in one of 8 major program areas. These are shown in the chart below.

**Figure 3 - Major Programs and Staffing Percentages**

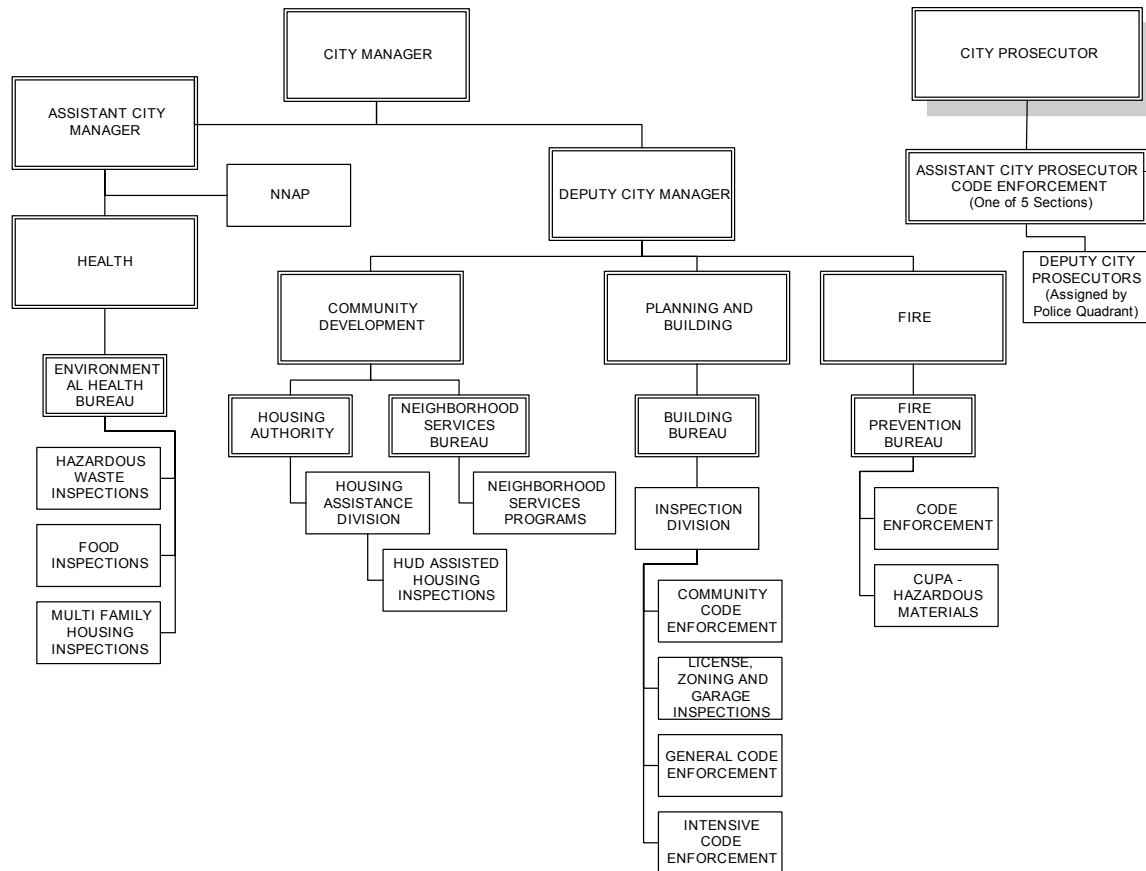


The Planning and Building Department is home to three of these large program areas (general code, neighborhood code and community code), while the Health Department is home to three other large programs (multi-family housing, food facility and hazardous waste). About 12% of the Health Department's staffing is assigned to the above programs, while the same staffing complement for Planning and Building is approximately 36%. These are the two city departments with the largest presence in this program area.

Interestingly enough, however, there is no specific code enforcement bureau (bureaus are the City's basic organizational building block) in either department. This function is incorporated in the Building Bureau of Planning and Building and in the Environmental Health Bureau of the Health Department. In fact within the City, code and inspection efforts are typically found as a portion of a division. As will be discussed later this has important implications when it comes to accountability in some of the programs.

The organizational chart below shows how the major code programs are organized. This is not a full representation of the existing departmental organizational structure; only that

associated with the programs which are the subject of this analysis. As is readily apparent, this is a fertile arrangement for the development of a classic “silo” orientation.



The costs reflected in the budget sum to approximately \$9.8 million per year. These costs, however, do not include worker’s compensation, pension bond, departmental or some citywide overhead. In addition, several code enforcement programs require extensive support from the Police Department, Fire Department, City Attorney’s office, City Prosecutor’s office and Long Beach Energy which are not reflected in the budget numbers. With the information available, it is impossible to know what this cost is with any certainty. An educated guess based on industry standards (40% for overhead) and estimates from staff interviews regarding utilization of staff from other departments not reflected in the budgets, would be in the range of \$16 million for all code enforcement efforts.

As is the case with the number of personnel, most funding (about \$8.6 million of the total) is associated with the eight largest programs highlighted in the previous pie chart. The lion’s share (a little over \$7 million) of this is split almost equally between Planning and Building and Health.

Several of the code enforcement programs, mainly in the Permit Inspections business group, generate significant General Fund revenues. In addition, several of the programs in both the complaint- and neighborhood-based programs are supported by grant funding (mainly CDBG). General Fund revenues from permits, fees, fines and cost recovery are estimated at approximately \$5.4 million, with grant support estimated at \$4.4 million.

### **Long Beach System in Relation to Others**

While quantitative comparisons between cities are difficult in code enforcement since every city defines the program and process a little differently, a comparison of some value can be gained by looking at larger cities, including Long Beach, that participate in the International City/County Management Association (ICMA) Center for Performance Measurement (CPM). This is generally acknowledged to be the source of the highest quality comparative data available on municipal operations.

### **Expenditures**

Table 4 below provides a comparison of large cities participating in ICMA's CPM. The expenditures are as reported by the individual cities. To help in understanding the expenditures, the statistic on the percent of housing which is owner occupied in each city and the population density per square mile has been added to the ICMA data.

**Table 4. Comparative Data from ICMA's Center for Performance Measurement**

<b>City</b>	<b>2002 residential population of area served</b>	<b>2002 total code enforcement expenditures</b>	<b>FY 2002 expenditures per capita</b>	<b>Percent of Owner Occupied Housing</b>	<b>Population/ square mile</b>
Phoenix, AZ	1,373,947	\$6,999,981	\$5.09	62	2,342
San Antonio, TX	1,241,100	\$4,443,225	\$3.58	60	2,810
Austin, TX	667,705	\$2,766,443	\$4.14	48	2,138
Portland, OR	536,240	\$2,639,693	\$4.92	56	3,508
Las Vegas, NV	520,936	\$3,181,613	\$6.11	57	3,101
Oklahoma City, OK	510,800	\$2,381,466	\$4.66	61	731
Long Beach, CA	473,100	\$3,980,105	\$8.41	40	9,157
Mesa, AZ	431,874	\$1,403,751	\$3.25	69	2,653
Virginia Beach, VA	425,257	\$2,108,094	\$4.96	64	1,583

Source: ICMA, Management Partners and U.S. Census Density calculated from 2000 census

Based on this sample, Long Beach appears to be spending more than average on a per capita basis for code enforcement services. Long Beach also has, by far, the lowest percentage of owner occupied housing and the highest population density per square mile. The limited data available is not conclusive, but it appears that code enforcement

expenditures are inversely correlated with the percentage of owner occupied housing and positively correlated with population density.

To understand expenditures, it is important to appreciate service demand. It is likely that Long Beach has a relatively high need/demand for code enforcement services. To see why, a comparison with similar California cities is useful. The Table 5 below provides some pertinent data for a set of large cities in California. This list of peer cities was developed by the City of Fresno for a benchmarking and fiscal analysis they completed in 2002. The data shown below is from the Fresno study supplemented with demographic information obtained by Management Partners.

**Table 5. Comparative Data from Selected California Cities**

<b>City</b>	<b>Population</b>	<b>Land Area</b>	<b>Percentage of Owner Occupied Housing</b>	<b>2000 Median Income</b>	<b>Population/square mile</b>
Anaheim	328,014	48.9	50.0%	49,216	6,708
Bakersfield	247,057	113.1	60.5%	44,405	2,184
Fresno	427,652	104.4	50.6%	46,950	4,096
<b>Long Beach</b>	<b>461,522</b>	<b>50.4</b>	<b>41.0%</b>	<b>40,515</b>	<b>9,157</b>
Oakland	399,484	56.1	41.4%	27,095	7,121
Riverside	255,156	78.1	56.6%	37,034	3,267
Sacramento	407,018	97.2	50.1%	38,786	4,187
San Jose	894,943	174.9	61.8%	87,000	5,117
San Diego	1,223,400	324.3	49.5%	49,946	3,772
Santa Ana	377,977	27.1	49.3%	54,854	13,947
Stockton	243,771	54.7	51.6%	37,804	4,457
Median	399,484	78.1	50.1%	44,405	5,115

Source: City of Fresno Mayor's Task Force and Management Partners

Long Beach has the lowest rate of owner occupied housing in this sample. Indeed, even on a national level, Long Beach ranks very low in this statistic which is associated with neighborhood stability and the need for expenditures on code enforcement. This correlation can easily be seen in the data presented earlier. Long Beach also has a very high population density, second only to Santa Ana in the above sample (which is one of the most densely populated cities in the country) and almost twice the median level. As people live closer together, the demand for code enforcement goes up.

## **Workload**

Long Beach code enforcement activities capture a wealth of data about their work. Unfortunately, each department, and even each unit within a department, uses different methods, analyzes the data differently and produces different reports. Additionally, there is no modern case management system in common use, so data on outcome measures such as time from complaint until inspection and time until compliance is uneven at best. These very significant data limitations need to be kept in mind as the following discussion is considered.

Excluding the permit-based programs (which do handle a significant number of complaint-based inspections) the complaint- and neighborhood-based code enforcement

operations in Long Beach initiated (began) a total of 9,963 cases in FY 2002. Table 6 provides comparative data for all reporting jurisdictions in the ICMA 2002 Performance Measurement project.

**Table 6. Comparative Data for Code Cases Initiated in FY 2002**

	<b>Population</b>	<b>Code Cases Initiated in 2002</b>	<b>Cases per 1,000 population</b>	<b>Code Enforcement FTEs</b>	<b>Cases/FTE</b>
Phoenix AZ	1,373,947	29,179	21.2	107	273
San Antonio TX	1,241,100	108,102	87.1	75	1,441
Portland OR	536,240	8,819	16.4	32	276
Oklahoma City OK	510,800	59,459	116.4	39	1,525
<b>Long Beach</b>	<b>473,000</b>	<b>9,963</b>	<b>21.1</b>	<b>33</b>	<b>302</b>
Sarasota Co FL	234,601	6,104	26.0	15	407
Orlando FL	194,913	21,140	108.5	30	705
Dayton OH	166,179	17,898	107.7	60	298
Vancouver WA	148,800	4,933	33.2	6	822
Coral Springs FL	127,270	5,634	44.3	11	512
Bellevue WA	117,000	2,063	17.6	6	344
San Mateo CA	94,100	3,257	34.6	5	651
Carlsbad CA	88,000	933	10.6	3	311
Santa Monica CA	87,954	2,075	23.6	6	346
Sioux City IA	85,013	3,221	37.9	4	805
Kalamazoo MI	77,145	4,522	58.6	4	1,131
Redwood City CA	76,325	2,412	31.6	8	302
Bryan TX	65,660	1,709	26.0	4	427
Blacksburg, VA	31,576	2,764	87.5	8	346

Source: ICMA Center for Performance Measurement

For comparison purposes, this data contains only the complaint and neighborhood programs in Planning and Building for Long Beach. Long Beach appears to have a slightly lower number of cases initiated per 1,000 population on average, but it compares well with Phoenix and Portland, which are probably better comparables than the smaller cities. Cases per FTE in Long Beach are slightly higher than these two cities, but lower than most of the smaller cities reported.

Most of the complaint-based programs in Long Beach have a significant backlog. This takes two forms. The first consists of cases which have been identified as a violation which are pending enforcement. The Planning and Building Department expects to close approximately 6,374 cases in the year ended October 2003, but to have a total of 7,392 cases pending. This implies that it would take a little over one year for Planning and Building to close current pending cases assuming no new cases come along. The other backlog consists of complaints which have been received but which have not been verified as violations. Nobody knows exactly how many of these complaints represent code violations, but an educated guess by staff is about 70%. Based on the information provided, it appears that there are approximately 5,100 of these complaints.

Long Beach currently does not have any performance standards with regard to how long it should take to close a case, nor does it have a target for the number of days from complaint to inspection. Another problem is that there is no real system for prioritizing complaints. There are some priority standards in the permit type of inspections, but any real priority system is lacking in most of the complaint-based programs.

Within the permit inspection types, it appears that cases are generally inspected within 2-5 days. Time to compliance varies and the case management systems in place to track this outcome measure are limited. Based on the information we have it appears that the majority of housing health complaints which are not cleared up based on inspector notifications are taken up by a prosecutor in about 75 days. A review of food inspection files indicate that non-compliance is cured via prosecution in 45-60 days, and very few cases get this far. Most are closed in 30 days or less.

In the complaint-based code area the time frames are much longer and the time necessary to even get an inspection can be measured in months if not years. Post-inspection standard code cases take a minimum of 90 days to get to the hearing stage, but staff reports a more typical average would be 140 days. If criminal prosecution is necessary, another 130 days can be expected to reach court. For some cases, this is after a wait measured in months to get a first inspection. Clearly this is not a satisfactory system. It should be noted that serious life safety issues are handled much faster, and earlier involvement by the prosecutor's office can cut a significant amount of time from a serious case. Finally, cases which are identified as high priority by the City Manager or a Councilmember's office are typically inspected quickly. However, even with a timely first inspection, the process is prolonged.

In the neighborhood code enforcement area, most complaints are inspected in an expeditious manner, usually within a week. The linkage with neighborhood organizations also is used as a means to prioritize violations. However, as described above, even with a timely first inspection, induced compliance from an uncooperative owner can take the better part of one year.



There are no clear cut standards in terms of how long it should take to make an initial inspection or achieve compliance. ICMA data for 2002 documented the following typical performance standards based on participation from approximately 25 jurisdictions, as shown in Table 7 below:

**Table 7. Time Until Initial Inspection (calendar days)**

<b>All Jurisdictions</b>	<b>Housing</b>	<b>Zoning</b>	<b>Dangerous Building</b>	<b>Nuisance</b>
Mean	3.6	4.4	2.6	2.9
Median	2.0	3.0	2.0	2.0
<b>100,000 and Above</b>				
Mean	4.7	5.7	2.8	3.2
Median	3.0	3.0	2.0	3.0

In addition to this data, a recent code enforcement staffing study completed by the County of Palm Beach, Florida (population 531,000 with 28 code inspection officers) stated that the average time from complaint to first inspection was 5-9 days. This was achieved in a setting with caseloads of approximately 351 per code enforcement officer, not too different from those in Long Beach.

Many Long Beach programs compare favorably with these averages. Generally, health housing, food, hazardous waste, fire and CCE or CCP based complaint programs will meet these time frames. However, for those complaints that do not fall within these programs or which are not high priority due to a life safety issue or due to involvement by the City Manager's or a Councilmember's office, the wait to get a verification inspection can be measured in months. It should be noted that in all cases, notification of an alleged violation will be mailed in approximately three days and staff believes these letters result in the clearance of a majority of violations.

When attempts to achieve voluntary compliance are not successful, Long Beach uses a variety of mechanisms to achieve compliance. These methods can include the issuance of a citation (in relatively limited circumstances), referral to the Building Enforcement and Abatement Committee (BEAC) and/or referral to the Prosecutor's office. Exhibit 2 contains flow charts for some of the more common types of enforcement.

The time necessary to achieve what is known as an induced compliance can vary widely based on the nature of the case and the procedures used in any particular city. To assess performance in this area, Management Partners used data reported to ICMA to get some idea of an industry standard and then interviewed staff and reviewed actual case files for different enforcement programs in Long Beach. The results of this work are shown in Table 8 below.

**Table 8. Induced Compliance Timeframes**

<b>Long Beach Time in Calendar Days from Notice of Violation Until Administrative or Judicial Compliance- Estimated (post inspection)</b>	
Housing – Health*	75
Food*	45-60
Building*	90-140
Property Maintenance*	90-140
Zoning*	90-140
Cases on 10/20/03 BEAC Agenda (37 cases)**	174
All ICMA Reporting Jurisdictions 100,000 Population And Above	Average Number Of Calendar Days From Case Initiation To Initiation Of Administrative/Judicial Process
Mean	79
Median	76

\* Staff estimates

\*\*Management Partners

The main difference in the timeframes noted in Long Beach is the BEAC process used for many Planning and Building violations. Other than the enforcement efforts that utilize the BEAC process, the timeframes in Long Beach appear to be comparable with the national averages reported by ICMA participants.

Based on the limited data available, it appears that timeframes are within industry norms for most of the permit-based programs. However, timeframes in the two other business areas, and particularly the complaint area, are significantly in excess of that observed in other jurisdictions. Improvements should be sought in both reducing the time delay in inspecting an alleged violation and in reaching closure of a documented violation.

In Long Beach some departments have established work tracking systems which generate productivity data, but there is no overall common standard or measure utilized with regard to caseload. The Health Department does generate relatively detailed workload and productivity reports for their code inspection programs, although each is different. Utilizing the Health Department approach would probably be a good place to start in formalizing a common work tracking and case management system, at relatively low cost.

Long Beach records indicate that all of the inspection programs (permit, complaint and neighborhood) logged a total of approximately 186,000 inspections in FY 2003. Based on an estimate of 95 field inspectors in the programs, this represents about 1,958 inspections per FTE or approximately 7.8 inspections per workday per field inspector (250 workdays per year).

Code enforcement inspections vary considerably in detail and complexity. Productivity standards for food inspections average about 4 inspections per day per FTE, while Health housing inspections average approximately 6 per day. Less complex types of inspections require less time and inspectors can do more each day. Based on the limited data available, Planning and Building inspectors working on mixed code enforcement complete between 7 and 10 inspections per day. This is about the same number of inspections completed by the assisted housing inspectors, based in the Housing Authority. Staff assigned to weed and trash complaints can do as many as 20 inspections per day. Workload data is most limited for fire permit inspections, but based on the total number of inspections reported and staff interviews, it would appear that about 8 inspections per day are completed per inspector for regulated occupancies.

Productivity measures keyed to inspections for code enforcement are scarce. The closest, somewhat common, efficiency measurement for inspections would probably be for construction inspections. Management Partners has found that jurisdictions typically expect these types of inspectors to complete between 10 and 15 inspections per day.

Overall, it would appear that workloads, at least as measured by cases per FTE and the number of inspections accomplished per day, are comfortably within typical industry parameters. On the other hand it is clear that the delay in initial inspections and the time to achieve induced compliance is much higher than typical in the complaint-based code area. In the neighborhood-based programs, time until inspections appears to be within typical standards, but as with the complaint-based programs, the time necessary to achieve induced compliance is longer than average.

Given the City's financial position, this emphasizes the need to increase productivity and/or to reduce code inspection services, in order to bring the number of complaints and cases to a level which can be accommodated with the current work practices. It is our view that the former is achievable and clearly preferable.

### **Customer Satisfaction**

It is a challenge to identify the customer for code and inspection programs. Sometimes it is the property owner and sometimes it is a member of the public with a complaint, or a neighborhood organization with concerns about deteriorating quality of life linked to code violations, and perhaps law enforcement problems as well.

Management Partners believes that the public interest is most strongly allied with the concept of neighborhoods as the customers for code enforcement services. This is

because code violations both individually and collectively tend to have an impact that spreads to other properties in a neighborhood, but usually do not directly impact other areas of the City. In addition as will be noted in the discussion of best practices, more and more cities, including Long Beach, are moving to neighborhood-based systems for responding to code issues and are having success in doing so.

In any case, focus groups with employees and the public as well as interviews with system intermediaries such as Councilmembers and staff, left no doubt that however code enforcement customers are defined, they are, in many cases, quite dissatisfied with the level of service currently being provided. Members of the public that have dealt with the complaint-based code enforcement services and some of the neighborhood programs expressed great frustration about the lack of follow-up on regular code issues, the inability to contact a responsible party within the city, an overall lack of accountability, the time it takes to achieve compliance, the perception that inspectors focus on minor violations and the lack of coordination between City departments. Dissatisfaction with the process has reached the point that informed members of the public by-pass the regular process in favor of lodging a complaint with a Councilmember, a staff member they know or the City Manager's office.

Permit programs are viewed more positively because they provide better response. The issues involved are also not as likely to be affecting adjacent properties or a neighborhood. In the permit area the biggest customer satisfaction issue seems to be getting a timely business license inspection, particularly when the Fire Department is involved.

One area in which the public expressed a great deal of satisfaction was with the Community Code Enforcement (CCE) programs. These were programs generally seen as responsive and accountable. Clearly, the City has developed a very popular program with the CCE and Community Code Compliance (CCP) efforts.

### **Relative Program Performance**

As was the case with customer satisfaction, a high degree of variation in output was observed among the different code enforcement and inspection programs. It is again important to note that there is no common workload measurement data available across the full range of programs. Table 9 below was developed with information which was available and from interviews with staff members.

**Table 9. Output Analysis**

Type	FY 2002 or 2003 data				Metrics		
	Projected Cases Closed	Investigations or Inspections	Labor Hours	FTE	Cases Closed / FTE	Investigations / Inspections per FTE	Labor Hours per Investigation / Inspection
Substandard Buildings	268	3,939	5,885	4.65	57.6	847.1	1.49
Property Maintenance	601	7,851	5,053	3.2	187.8	2453.4	0.64
Weed and Vehicles	1,964	18,156	5,779	2.75	714.2	6602.2	0.32
Zoning	611	10,596	9,169	5.7	107.2	1858.9	0.87
Community Code Enforcement (CCE)	1,523	18,697	11,797	7	217.6	2671.0	0.63
Code Compliance Program (CCP)	795	8,447	5,647	2.9	274.1	2912.8	0.67
Business License	1,345	8,443	4,021	1.75	768.6	4824.6	0.48
Garage Inspection	1,191	9,566	2,035	1.5	794.0	6377.3	0.21
Intensive Code Enforcement (ICE)	1,407	22,336	17,404	12.15	115.8	1838.4	0.78
Assisted Housing	NA	14,300	14,872	8	NA	1787.5	1.04
Fire Prevention	NA	9,254*	16,731	9	NA	1028	.55
Multi Unit Housing	NA	8,475	27,792	14.95	NA	566.9	3.28
Food	NA	9,236	34,763	18.7	NA	493.9	3.76
Hazardous Waste	NA	2,004	19,705	10.6	NA	189.1	9.83

\* Estimated State Fire Marshal regulated occupancies

For the most part, the programs cannot be readily compared as the inspections and case management vary in complexity. In the general code area, substandard buildings take the most time, while weed and vehicle complaints are handled relatively quickly. Among other things, this difference shows how a citation program, which is used for vehicle and some weed complaints, can increase productivity. Inspectors can close cases faster because a citation or the threat of a citation encourages more timely compliance.

One conclusion that can be drawn from the data is that the CCE program is more productive and thus cost effective than other types of code enforcement. Specifically, the CCE / CCP programs generate approximately 246 case closures per FTE, significantly above the level observed in most other programs. It was also noted that CCE / CCP inspectors also carried a larger caseload than inspectors in other programs. These productivity factors coupled with the previous discussion regarding customer satisfaction, have important implications for improving code enforcement in Long Beach.

Two other areas, which this data suggest merit further study, are fire prevention and hazardous waste inspections. Both programs show a significantly higher level of staffing for the number of inspections completed than other programs. This may be due to factors associated with the nature of the inspections, but it was not clear in interviews what these

factors may be. With regard to Fire it is important to note that since 2002 the FTE assigned to this program have been reduced from 9 to 5, although inspections have also decreased. With regard to the hazardous waste program, it should be noted that this unit also responds to emergency spills. This is also the only program provided by the Health Department that does not cover direct program costs from fees and fines associated with the permitting.

### **Program Overlap**

There are several areas in which these program overlap, and which will be addressed in the recommendations for improvement. Generally these areas of overlap can be defined as permit overlap, inspection overlap or enforcement overlap

- Permit Overlap occurs when the same facility is inspected for different, but related, permits at different times by different inspectors.
- Inspection Overlap occurs when inspectors having similar duties for inspection inspect the same facility at different times or simultaneously.
- Enforcement Overlap occurs when more than one or more programs pursue enforcement in an uncoordinated manner.

Overlap is not automatically suggestive of inefficient use of resources. When permits are substantially dissimilar and/or inspection duties are substantially different, overlap is appropriate. For example, a facility may require a food and business license inspection for separate permits. The inspections required are significantly different and State certification is required for the food inspection, so what might appear to be duplication is not. While the City's food inspection program is appropriately located and functionally sound, Management Partners has identified several other areas where one or more of these overlaps do appear to result in the inefficient use of resources. These areas are discussed below:

1. **Housing Program Permit and Inspection Overlap.** Permits issued through the Multi-family Health Housing (MHH) inspection program and the Assisted Housing (AH) program share many similarities but are not coordinated. The similarities can be readily noted in the comparison of inspection checklists provided in Attachment 3. This affects the subset of multi-family buildings which have four or more units and one or more units with a Housing Agency contract. The duplication occurs on an annual basis or slightly longer depending upon the MHH inspection schedule. There may also be some duplication of inspections when a parking permit is required. In this case a fully qualified inspector visits the property, but only to document adequate parking.

2. **Housing Program Fire Inspection Overlap.** Some of the simpler fire inspections done for multi-family buildings overlap the similar inspections done by the MHH and AH programs. The overlap in inspections can be seen in the comparison of inspection checklists in Attachment 3.
3. **Business License Inspection Overlap.** New applications for a business license trigger a code compliance inspection. The City has established a team inspection approach so that when a permit from more than one department is required, the inspectors visit the facility as a team. Generally this would involve the Fire, Health and Planning and Building Departments. In some cases, particularly for rental housing, the inspections completed may be substantially similar and thus there is a case to be made for having fewer inspectors do the inspection. In other circumstances, a full team inspection is clearly warranted. Another reason for looking at this as a candidate for streamlining is that the Fire Department is having trouble making these inspections in the 180-day window required due to staffing reductions.
4. **Health Hazardous Waste CUPA and Fire Department CUPA Inspection Overlap.** The Health department inspects hazardous waste generators on an annual basis. The Fire department inspects on a three-year cycle and requires a bi-annual business plan submittal. There are slightly more businesses in the Fire program but the majority are covered by both programs. Both of these programs are also experiencing a significant drop in demand (about 15%) due to the cancellation of a contract for services with the City of Signal Hill. In any event, the program inspections should be consolidated and completed by non-sworn personnel in Fire or Health. The Health and Fire Departments have recognized overlaps in this process and are already collaborating to streamline the process.
5. **Community/Neighborhood Code Enforcement Inspection Overlap.** In some instances, the CCE and the Intensive Code Enforcement (ICE) programs have inspected the same facilities, looking for similar violations, although there may be a difference in emphasis. This is clear case of duplication and the Planning and Building Department has taken steps to prevent such overlaps. However, they have occurred and are a source of significant community dissatisfaction in some areas. Another potential significant overlap is occurring between the Community Development Department and the Planning and Building Department. Unsatisfied with some code enforcement services delivered by Planning and Building, the Neighborhood Services Bureau has taken some steps to establish an independent inspection program. An example is sign code enforcement along Pine Avenue.
6. **Enforcement Overlap.** This occurs when the City has more than one enforcement mechanism addressing a violation in an uncoordinated manner. This overlap involves the City Prosecutor's Office, the Neighborhood Nuisance Abatement Program and the Planning and Building BEAC process. Enforcement

overlap is sometimes a function of internal conflicts about the best way to resolve code enforcement violations but is often caused by poor communication and the fact that different databases are in use for each of these programs.

7. **“Blitz” Enforcement Overlap.** The City has successfully used several models for doing a targeted code enforcement sweep or blitz using a team of inspectors from several departments as well as the Police Department. These programs have been known by a variety of titles, including strike forces, Fresh Start and Clean Streets. There is currently some uncertainty and disagreement within the City about how and who should lead these efforts. This centers around the role of NNAP in managing such efforts relative to the Fresh Start program in Planning and Building. This was a major topic of discussion at the employee focus group meetings. The feeling was that this is a significant tool for the City that is not being effectively used due to uncertainty concerning roles, responsibilities and how inter-departmental efforts may be organized and managed.

Addressing these areas of overlap will require a comprehensive, integrated, approach. It will also require close attention to existing LBMC requirements which would need to be changed in some cases, as well as job classification requirements.

Before discussing how the issues raised in the forgoing discussion can be best addressed it is useful to review some of the best practices being used in city code enforcement and inspection programs throughout the country. It is advantageous to integrate some of these practices into recommendations relating to revamping the code enforcement system in Long Beach. Indeed many of the best practices identified are aimed at dealing with many of the same problems Long Beach faces.

### **Survey of Best Practices**

Management Partners identified cities that have developed innovative and successful programs based on our general knowledge and contacts within public sector organizations, contacts with the American Code Enforcement Association and the California Code Enforcement Association, a search of recent literature and review of ICMA performance data.

For the most part, cities selected are in California and of a similar size to Long Beach, although they may have significant demographic differences. Also included are a few smaller cities that have innovative programs, and several cities in the Midwest and East (Buffalo, Chicago and Minneapolis) that have recently made improvements to their code enforcement programs. It is important to note that if Long Beach was not the subject of this analysis, there is no doubt that several of the City’s programs would be featured in this discussion or in any best practices survey.



Table 10 below provides a brief summary of the cities identified and the programs that have been studied for possible applicability in Long Beach. This is a summary of a much more detailed discussion of these programs which is provided as Exhibit 4.

**Table 10. Best Practices in Selected Cities**

<b>City of Sacramento, CA (433,355 population)</b>	
Code Enforcement Organized by Neighborhood	City has “Neighborhood Services Department” which is responsible for code enforcement. City is divided into four neighborhoods. Each neighborhood has a Director who oversees a Chief of Code Enforcement, Chief of Housing and Dangerous Buildings, and Principal Building Inspector on Code Action Team.
Administrative Penalties	Designed to address all violations. Fines vary and range from \$100-\$25,000.
<b>City of Minneapolis, MN (382,618 population)</b>	
Inspection Upon Sale	Called “Truth-in-Sale” program, requires evaluation before sale of all single-family houses, duplexes, townhouses, first-time condo conversions and title transfers.
Fire Department Inspections	Under discussion is the transfer of housing nuisance inspections and rental licensing for all apartment buildings 12 units or greater to the Fire Department.
Administrative Adjudication	In September of 2001 the City Council authorized the use of a new civil procedure known as the Administrative Enforcement and Hearing Process. Inspectors expressed great satisfaction with the new tool and believe that because of it they are more effective in their enforcement. Inspectors have witnessed an increase in compliance with orders, a decrease in repeat violations and a reduction in the number of complicated cases.
Rental License	Minneapolis requires that every rental dwelling, including single-family rental dwellings and rental units in owner-occupied duplexes, and rooming and shared-bath units (unless they are in a licensed lodging house) must have a license.
Enterprise Model	The City is beginning to transition the Regulatory Services Department from a General Fund to an Enterprise fund to match services with fees and have operations pay for themselves.
<b>City of Santa Ana, CA (348,143 population)</b>	
Proactive Rental Enforcement Program	All rental housing is reviewed every four years by quadrant. Notices of Violation provide 30-, 60- or 90-day time for compliance.
Proactive Enforcement Team	PET is a fast-moving property maintenance oriented team that surveys all properties in designated target neighborhoods and issues corrective notices for unsightly exterior conditions. Owners/tenants are given 30 days to correct and then issued an administrative citation.
Citations	Parking ticket-type citation is issued for yard/lawn parking violations or vehicles being displayed for sale in violation of code. An administrative citation is a progressive citation used for a multitude of violations. The fine for a first violation is \$100, \$200 for the second violation and \$500 for the third. The recipient can pay and does not need to appear. Failure to pay can result in matter being referred to a collection agency.

<b>City of San Diego, CA (1,275,112 population)</b>	
Neighborhood Code Compliance Department	Department created under City Manager in 1993 to address violations. There are five sections: Management, Community Outreach (volunteer leveraging), Graffiti Control, Initial Case Processing (intake hotline/log, letter preparation); and Property Condition Enforcement (building, housing, engineering and noise violation enforcement).
Fire Department Inspections	Engine companies handle inspections with support from a fire prevention specialist.
Administrative Citations	Early developer of this system as a productivity enhancement. Administrative hearings when required are handled by the City Manager's office.
Volunteer Program	Volunteers assist Neighborhood Code staff in identifying and responding to minor zoning code violations. <i>Qualifications:</i> Member of Community Planning Group, Town Council or Improvement Association; attend 3 hour training. <i>Time Commitment:</i> Varies depending on community needs.

<b>City of San Francisco, CA (793,729 population)</b>	
Director's Hearing	Representative of the Director of Building Inspection Department presides over an administrative hearing to compel property owners to comply with code violations.
Abatement Appeals Board	Hears and decides appeals from Orders of Abatement and referrals to the State Franchise Tax Board, subsequent to the Director's Hearing.
State Franchise Tax Board Referral	The State Revenue and Taxation Code requires local agencies to notify the State Franchise Tax Board when rental housing has substandard conditions. The State Revenue and Taxation Code asserts that no deduction shall be allowed from substandard rental housing for interest, taxes, depreciation or amortization paid or incurred in that taxable year.
Fire Station Based Inspections	Engine companies (four-person) provide annual inspections of all public assembly occupancies, schools, care facilities, multi-family residential buildings and institutional uses.

<b>City of San Jose, CA (924,950 population)</b>	
Redevelopment Agency Program	The San Jose Redevelopment Agency instituted a program to eliminate visual blight in their redevelopment project areas. The Agency provides funding for eight code enforcement officers who work exclusively in redevelopment project areas. They implement a proactive program that exceeds the normal level of code service in the rest of the city.
Administrative Citation	This remedy is designed to address minor violations. Fines increase with offense. For the first offense, fines range from \$25 to \$250.
Administrative Remedies	Used for major violations, the fine is recommended by the City but decided upon by the Appeals Hearing Board. Administrative fees may also be assessed.
Multiple Housing Rental Training Program	Purpose is to educate rental property owners on how to effectively manage their properties for the purpose of improving the value of their investment.
<b>City of Buffalo, NY (292,648 population)</b>	
Administrative Adjudication	Separate department responsible for investigating and issuing summonses for municipal code violations affecting quality of life. Coordinates enforcement of city ordinances and nuisance violations.

<b>City of Chicago, IL (2.9 million population)</b>	
Department of Administrative Hearings	First unified municipal administrative adjudicatory system in the nation. Outside attorneys serve as administrative law officers and preside over 400,000 cases per year. Several divisions hear cases of specific types: <ul style="list-style-type: none"> <li>▪ Buildings Division (Buildings, Fire, and Zoning cases);</li> <li>▪ Consumer Affairs Division (Consumer Services, Police and Revenue);</li> <li>▪ Environmental Safety Division (Environment, Health, Streets, and Sanitation and Transportation);</li> <li>▪ Municipal Division (Cable Communications, Police, Revenue, and Water)</li> <li>▪ Vehicle Division (Police and Revenue departments).</li> </ul>
Landlord Training Program	Training program administered with the Department of Buildings and Chicago Police Department. It is designed to teach building owners, landlords, building managers and residents how to keep criminal activity out of their buildings, practice preventing building and crime maintenance, screen tenants properly, etc.
Strategic Task Force	Works in conjunction with teams of specially-designated Assistant Corporation Counsels who assist in the investigative process and prosecute administrative and court actions against owners of offending buildings.
Industrial Street and Alley Vacation Program	Conveys underutilized streets and alleys to adjacent industrial businesses which need space or want to improve security around their facility.
Alley Lighting Improvements	In targeted, high-crime alley areas, the City converts alley lighting fixtures. A pilot project doing the same showed encouraging results in reduction of crime and dumping activity.

<b>City of Baltimore, MD (651,000 population)</b>	
Rental Property Inspections	Requires inspections of any type of revenue producing unit on a yearly basis. Howard County and Prince Georges County, Maryland.

<b>City of Portland, OR (538,180 population)</b>	
Fines for Property Maintenance Violations	The property owner is given 30 days to comply and then the billing cycle starts. The fee is added as a tax lien to the property and the City clouds the title with the County such that the fee must be paid so that the title designation can be removed prior to the property's sale. The City has a limited number of exception methods (such as hardship) when such fees can be waived.
Nuisance Abatement	The City has firm fees in place for the abatement of nuisances such as weeds, trash, etc. The property owner is given notice and then the City abates the nuisance by using private contractors, and then charges the fees in a manner similar to that described above for property maintenance violations.
Receivership Program	Provides a way for the City to deal with particularly egregious properties by petitioning the court to appoint a non-profit Housing Developer to take control of the property and renovate it for use by low income families.
Landlord Training Program	Provides tools to deal with problem tenants and activity, tenant screening, property maintenance, eviction procedures, etc. The program is voluntary.

<b>Garden Grove, CA (169,911 population)</b>	
Administrative Citation	This remedy is designed to address minor violations. The fines increase with each offense. For the first offense, the fines are range from \$39 to \$150.
Administrative Remedies	This remedy is used for major violations. The fine is recommended by the City but decided upon by the Appeals Hearing Board. Administrative fees may also be assessed.
Volunteers in Code Enforcement Program	Code Enforcement volunteers assume tasks similar to those performed by Code Enforcement personnel. Volunteers are not asked to inspect their own neighborhoods and focus on more obvious exterior issues such as illegal signs, illegal parking/inoperable vehicles, trash, weeds, etc.

<b>Davis, CA (64,259 population)</b>	
Inspection on Resale	The city requires all residential properties to be inspected by a city inspector prior to the change of ownership to determine if the property meets buildings codes, zoning regulations and security requirements. There are certain exemptions.

<b>Thousand Oaks, CA (112,501 population)</b>	
Records Inspection on Resale	Program requires all residential properties sold in Thousand Oaks to have a records search performed by the City, prior to the close of escrow. The ordinance also allows the purchaser to obtain a physical inspection of the property by a City inspector. This onsite inspection is optional.

<b>Rialto, CA (96,561 population)</b>	
Blight Surveys	The Rialto Redevelopment Agency provides funding for code enforcement officers to prepare an annual blight survey of property within their redevelopment project areas.

<b>Pasadena, CA (142,202 population)</b>	
Occupancy Inspections	Designed to ensure the quality and maintenance of the City's single family homes, duplexes, and condo-miniums. This is achieved by conducting inspections dwelling units at the time of sale or change of occupancy. Building and zoning violations are the focus.
Quadrennial Inspection Program	All rental properties containing three or more units are subject to the program, and are inspected once every four years. After inspection, property owners are notified of any existing code violations and given a reasonable time to correct them. Upon correction of all violations, a Certificate of Occupancy is issued for the rental properties.
Business Code Compliance Certificate	Before the City issues a business license and/or connects utilities for a business, the applicant is required to secure a Code Compliance Certificate. This ensures that the proposed business will meet the requirements of the Zoning Code. The Code Compliance Certificate fee is in addition to the fee for a Business License.

## **Overlay of National Best Practices on Long Beach Code Enforcement System**

Long Beach has already developed and incorporated many of the best practices found in our national survey. Indeed, Long Beach has a more proactive program than many similar sized cities, and has made a commitment in staffing and funding that surpasses that in other similar cities. Programs in Long Beach such as Community Code Enforcement, Nuisance Abatement Landlord Training and other neighborhood empowerment strategies rank with the best observed in other American cities.

Nevertheless, in some areas Long Beach does not exhibit use of best practices. In order to get an idea of the areas in which Long Beach is already using best practices and those where it is not, the following summary table was developed. Table 11 presents a set of programs that represent best practices observed in the code enforcement function in major cities. It would be unrealistic to expect that any individual city would be able to implement each and every best practice. The intent is to get a general sense of the areas in which Long Beach could improve, and then to focus on the changes which would prove most beneficial in Long Beach. We have made an effort to identify priorities based on the most pressing issues which have been identified in our field work associated with Long Beach Code Enforcement: timely resolution of cases, funding the program, improving communications both internally and externally and improving productivity, without major capital investment.

**Table 11. Summary of Best Practices in Long Beach**

<b>Best Practice</b>	<b>Long Beach Status</b>	<b>Priority</b>
Community-based inspection programs, using generalist inspectors	Partially in place with CCE, CCP and ICE	HIGH – To address community concerns and improve overall performance
Non-judicial administrative citations and hearings	Very limited and not used for routine violations where it can have substantial impact	HIGH – Would improve performance and cost effectiveness
Fire station-based inspections	Being used for some fire occupancy based inspections	HIGH – Offers excellent potential to leverage existing resources, and improve performance at low cost
Inspections upon sale	Currently used in some areas for parking only	HIGH – The single largest “force multiplier” in the code enforcement business
Redevelopment Agency Programs	No Redevelopment Agency programs utilizing code enforcement	HIGH–An efficient mechanism to address blighted conditions.
Cross-departmental inspection units for both ongoing and “strike force” type actions	Relatively well developed – especially on an ad-hoc basis.	MEDIUM – Issues here are related to internal organization less than a need for fundamental programmatic changes
Electronic complaint filing, tracking and communications	Long Beach does not have a modern case management and data tracking system	MEDIUM – Can be most effectively deployed with an improved organizational design

<b>Best Practice</b>	<b>Long Beach Status</b>	<b>Priority</b>
Performance measurement using outcome-based measures and prioritization	As with the above, this is an area which needs improvement	MEDIUM - Can be most effectively deployed with an improved organizational design
Rental property inspections	Well established via Health Department programs	MEDIUM – Issues are related to better system integration
Neighborhood empowerment strategies	Relatively well established	MEDIUM – Better organizational integration is main issue
Volunteer programs	Existing community based systems are using to some degree, but not formalized	MEDIUM – Better return from concentration on city systems. Best deployed with better performing system
Landlord training	Well established	LOW – Working well

We have chosen to focus this preliminary analysis of how industry best practices can be applied to Long Beach to the items believed to represent the highest priority. Additionally, to some degree the items of less priority will be better implemented once the higher priority changes are made.

In developing the recommendations, which are discussed in the following section, it is our intent to move towards the implementation of these best practices in a manner which takes advantage of existing organizational strengths in Long Beach and in a way which addresses the most serious problem areas identified. Priority is also afforded to those actions that can either cut General Fund costs or increase General Fund revenues.

### **General Findings**

The preceding sections have discussed the current organization and functioning of the City's code enforcement and permit inspection system, the workload, operating environment, performance standards, customer satisfaction levels, program productivity and areas of overlap and duplication. In addition, we have reviewed how other cities are dealing with the challenges of delivering code enforcement and inspection services and identified a number of programs which have applicability to Long Beach. Through a process of employee interviews, data analysis, focus groups and comparisons to other agencies the study team has developed an assessment of the current system's operations.

The essential conclusions reached are:

1. The current system is highly decentralized, lacks overall focus, affords little accountability in several areas, has no overall modern case management system and has few meaningful overall performance indicators, standards and priorities.

2. Without such indicators or standards it is difficult for management to objectively analyze performance or staffing levels and deploy resources accordingly.
3. Workload data available and comparisons with other jurisdictions suggest that overall resource allocations are sufficient to handle the existing demands, although it is likely some rearrangements in the deployment of resources among programs would be beneficial.
4. Resident/customer understanding and satisfaction with many aspects of the code enforcement functions are poor. However, external parties do express great satisfaction with some parts of the service structure, notably the Community Code Enforcement programs.
5. In spite of the fragmented nature of the system in many cases, especially in the permit-based systems, observed performance of the system is comparable with industry standards.
6. In some cases, notably in standard complaint-based code enforcement, performance is much poorer than industry standards suggest it should be and is clearly unsatisfactory in terms of the lack of accountability, time-frames and customer service.
7. This lack of performance has spawned various “work-arounds” such as NNAP, Project Impact, Project NICE, Fresh Start and even CCE/CCP. Some of these can and should be integrated into a solution (CCE/CCP), but others should be abandoned (Project Impact and Project NICE) so a functional, efficient and stable management system can be established and allowed to operate.
8. There are areas of overlap and duplication in the system due to permits and inspections, which are substantially similar but delivered independently of each other.
9. Organizational overlaps, ambiguities and disputes create overlap in enforcement efforts and result in a lack of coordinated code enforcement efforts.
10. Many code cases and some permit inspections do not require the level of staff expertise currently applied.
11. The current administrative procedure (particularly the BEAC process) is unsatisfactory and under-developed. It needs to be revamped to provide for more field-based citation authority and to streamline the hearing procedures. Other cities can provide good models.
12. In some areas, notably health housing inspections, fire permit inspections and business license inspections, Long Beach regulates more stringently than the State requires.

With an understanding of the current system and this set of findings in mind, Management Partners has identified opportunities for improvements in Long Beach and

developed recommendations to address the City's expectations. The next sections of this report speak to these issues.

## **Recommendations**

In order to accomplish the City's stated objectives for improving service while reducing costs, Management Partners recommends significant changes in the delivery of code enforcement and inspections services. We feel these recommendations are justified not only based on these objectives, but as a result of the findings mentioned above. Because of the interrelated nature of the recommended organizational changes we have elected to first describe the recommendations in a more global, umbrella fashion, and then follow them with a detailed action plan of individual recommendations for accomplishing the transition. This should help the reader focus and understand the macro level changes, and how the implementation recommendations relate to the overall reorganization approach.

**Recommendation 1: Move to a geographically-based code enforcement system to integrate code efforts and to improve performance and accountability.** Long Beach's Strategic Plan leaves no doubt as to the importance of supporting neighborhoods. Implicit in this policy statement is the fact that all neighborhoods, especially in Long Beach, are different and have differing needs for City services. The need for code enforcement services varies tremendously across the neighborhoods and expectations for the role of code enforcement also vary depending on the condition of a neighborhood.

As discussed previously a number of other cities have found that code enforcement is best delivered on a geographic basis. It allows staff to develop an understanding of the dynamics shaping each neighborhood and to develop a working relationship with neighborhood leaders. This in turns leverages the help of community members in maintaining City codes.

The most significant fact about geographically-based code enforcement in Long Beach is that it is working. Based upon individual interviews, focus groups and performance data, the CCE and CCP programs, which assign inspectors to individual neighborhoods with the expectation that they will be generalist code enforcement problem solvers, are the most effective City code enforcement programs. The City could benefit from broadening and building on these successful programs. The benefits of such an approach would include:

- Better communications with neighborhoods – Neighborhoods are the level at which code issues impact quality of life and, as such, neighborhoods are truly code enforcement's "customer."



- Improved accountability – A defined area would have a single point of contact for most code issues.
- Better performance – The CCE program achieves a higher rate of case closures per FTE relative to other code enforcement programs.
- Improved work management – The existing CCE teams prioritize code violations in cooperation with neighborhood representatives and have created a relatively simple but effective system for tracking cases.

The police department and prosecutor's office have moved towards organizing their service delivery on a geographic basis to the four basic quadrants of the City. Code enforcement works closely with both police and the prosecutor's office in addressing code compliance and neighborhood nuisance issues. To reinforce this important linkage, we would suggest creating four code enforcement groups in Long Beach to work in the same geographic quadrants as the City Prosecutor and Police Department. Each group would then be comprised of several teams of employees who would address code enforcement issues specific to neighborhoods in that quadrant of the city. The use of the term "team" here implies a group of people working toward a common goal in a specified geographic area; it does not imply that the entire team will do inspections together as a group (in fact, to realize the productivity increases suggested here, most inspections should be done by individual team members). The number of neighborhood teams working in each of the four groups would vary based upon the individual code enforcement needs and geographic size of the quadrant.

Moving towards a geographically-based system would also provide a framework for building interdepartmental teams, which would allow the City to integrate and rationalize some of the various code enforcement program and inspection programs. In employee focus groups, employees believed that inter-departmental work teams were extremely effective on code cases; this new system would formalize such teams at a lower level in the organization.

A reorganization approach of this scope would also provide the City with an opportunity to address a number of other opportunities and problem areas. These include:

**Recommendation 1A: Use a team approach to facilitate the elimination of duplication and redundancy.** Developing a neighborhood-based team approach provides a framework for collapsing and consolidating code and permit inspections to avoid duplication where it is possible to do so. This will have to be done carefully and in phases but over time simple permit inspections could be completed by a single individual on a concurrent basis. Some permit inspections could also be integrated with code enforcement efforts to achieve more timely compliance. For example, a simple assisted housing annual inspection could be handled concurrently with a housing health inspection at the same time and by the same person. Issuance of a housing health permit could be leveraged to gain compliance on a code violation.

**Recommendation 1B: Use the team approach to provide a foundation for a generalist code enforcement classification.** A team approach allows the City to introduce a new generalist code enforcement classification to address the simpler code investigations and inspections with readily available support from technical specialists. Code inspectors can be generalists. In many cities they are. Consolidation of permit inspection and code enforcement provides an opportunity to match the less technical code cases and inspections with a less costly code specialist classification. The overlap in some permit inspections has already been discussed.

Additionally a significant volume of the code enforcement cases are just not complicated enough to merit inspection by a certified building inspector. For example, some 70% to 80% of code cases are for either trash, weeds or property maintenance. Here are the things an inspector needs to look as stated in the LBMC:

#### **Weeds and Debris**

All vegetation, all refuse or rubbish, parts of machinery or vehicles or any material which can be:

- breeding place for insects and vermin,
- conceal unsanitary conditions
- fire hazard
- source of noxious odors
- or an obstruction to public property

#### **Property Maintenance**

- Any building which is partially destroyed, abandoned, boarded up or unfinished over a period of three years or more.
- Any building on which paint or roof covering has become deteriorated so as to render the building unsightly or in a state of disrepair
- Any building with broken windows
- Any property which exhibits:
  - Overgrown vegetation
  - Dead or hazardous trees
- Any tangible, movable personal property stored in a residential yard or court which is visible and not shielded by a 6' fence or equivalent
- Illegal storage of recreational vehicle or boat
- Any attractive nuisance to children
- Discarded furniture
- Trash
- Packing boxes
- Deteriorated fencing
- Wrecked vehicles
- Improperly installed or maintained security screens

**Recommendation 1C: Use a Neighborhood System to Integrate or Eliminate Various Code and Inspection Organizational Units.**

Transition to a city-wide neighborhood team model allows the City to eliminate or integrate various organizational units focused on neighborhood code and nuisance abatement into a coherent system. For example, by providing a neighborhood-based program which includes the City Prosecutor's office as part of the team, the separate Project Impact effort can be eliminated. Similarly, the Fresh Start program can cease to be a stand-alone program and instead the methodology will become a part of the tool kit used by each team. The separate NIS/ICE program will be discontinued and the resources redeployed as part of the neighborhood-based system. A functional system will also relieve Council offices from the need to operate independent programs such as Project NICE. Finally, a program which works and which empowers the neighborhood-based teams to attack problems in partnership with the Police, the Prosecutor, and other City departments, can relieve the NNAP office of responsibility of expectations for coordinating city-wide efforts (which it is not equipped to do) and allow the office to work with the neighborhood teams on administratively abating the worst nuisances.

**Recommendation 1D: Centralize management to provide greater accountability and responsiveness.** Lack of accountability is a problem throughout the current code enforcement system. Specifically, of the City's 30 Strategic Goals, no fewer than 8 touch upon or are oriented around code enforcement. Over 5% of the City's strategic action objectives (20 out of 190) center on code enforcement. In spite of this extraordinary focus there is no specific Bureau, Division or even Section tasked with responsibility for City code enforcement. Management of the service is diffused and unclear. Of the City's 144 currently filled Officer or Manager job classifications, which are the managers who head up Divisions and Sections, none has a job classification primarily associated with code enforcement inspections or compliance. (While there is a Nuisance Abatement Officer in the City Manager's office this is a working job title; the underlying classification is Administrative Assistant to the City Manager, a staff position with little formal authority and no support staff.) This system contributes to the lack of accountability and responsiveness documented in some areas of the system. **The organization needs to be realigned to be consistent with the City's strategic goals and vision of a community organized around vibrant and diverse neighborhoods.**

Reorganizing code enforcement on a geographic basis following the CCE model will provide for accountability, but this needs to be carried through

to upper management. There are several ways to accomplish this, but the fundamental issue is that one of the departments with a hand in the existing system needs to be assigned responsibility for overall management. This central management would also serve as a logical location for initiation of a centralized intake program, which is one of the first steps that must be taken to provide adequate performance measurement data and allow for the prioritization of work and for the establishment of city-wide policies and philosophies regarding code enforcement (the handling of business versus residential violations, for example) to ensure consistency across the system.

Other cities which have initiated a geographically based code enforcement system have placed responsibility either in Planning and Building, Community Development or in a separate department. For example, Sacramento has a Neighborhood Services Department, while San Diego uses a Neighborhood Code Compliance Department.

There are several options as to where Long Beach could locate this function organizationally. By tradition, Planning and Building departments often are given code enforcement duties as doing so creates a linkage between establishment and enforcement of zoning and construction regulations. As shown earlier in this report, Planning and Building currently has 30% of the FTEs involved in these activities, the second highest next to Health. Placing central administration in Planning and Building would lessen organizational change issues for many employees and provide a natural location for this service. However, aside from certain specialized programs (such as the CCE and CCP) and the informal role of the community planners in providing assistance to code enforcement inspectors, Planning and Building does not have a neighborhood-based approach to service provision. An argument could be made that the city needs to provide a new home for these functions so as to truly start fresh and rebuild public confidence in the system.

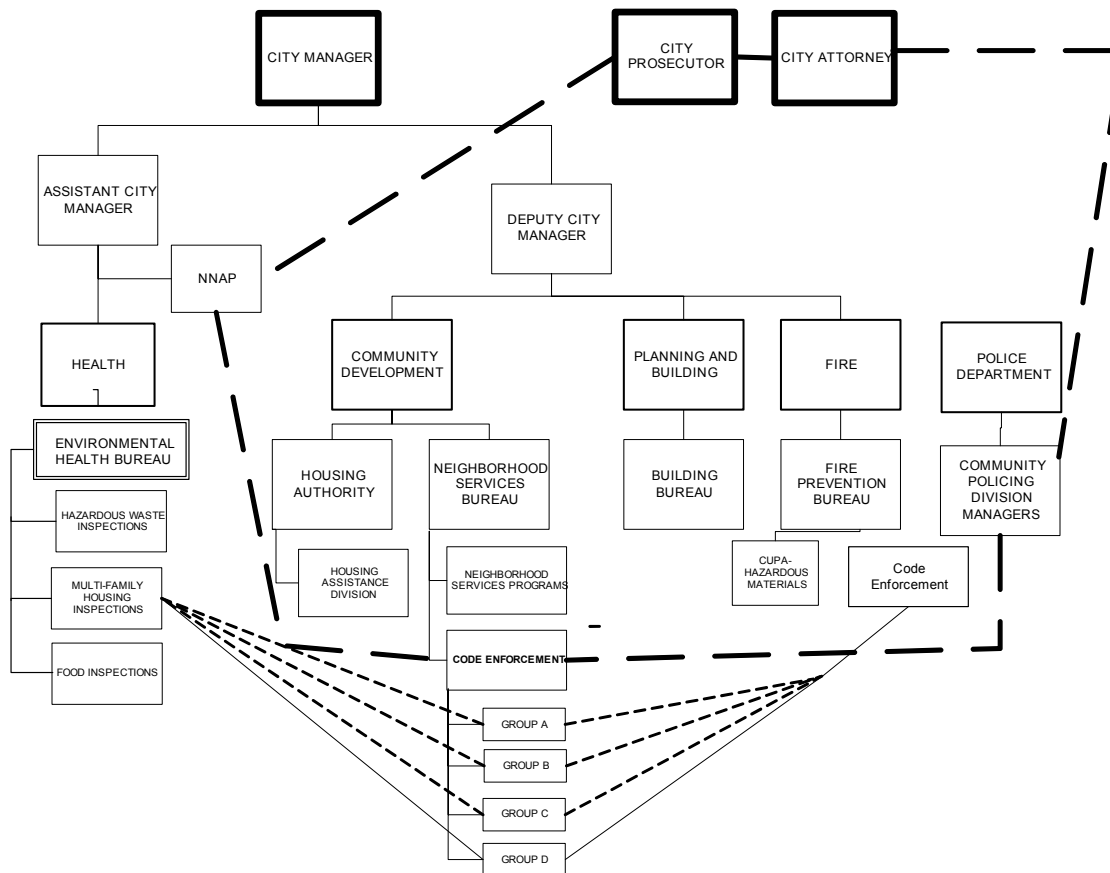
Another option would be to place code enforcement in the City's Health Department, which has 46% (the majority) of employees involved in these activities. The Health Department has proven to be a leader in implementing technology in the field (due, in large part, to dedicated funding sources not available to other departments) and runs an efficient and productive inspection program. However, Health would not be an obvious location for these activities from the customer perspective and, again, the City's Health Department at present does not have a dedicated focus on service provision at the neighborhood level.

Yet another option is to place code enforcement within the Community Development Department. Long Beach already has a Neighborhood Services Bureau located there with a focus on service and outreach to neighborhoods, and the existing structure and resources of neighborhood outreach could then be integrated to work for, and coordinate with, code enforcement activities in the City. Since Community Development is also home to the Redevelopment Bureau, such a move would likely result in improved coordination with redevelopment, also a major goal for the City (see further in this report).

Of the above options, we believe that placing code enforcement (but not other Planning and Building functions) as a new bureau within the Community Development Department would be the best long-term location for these services in Long Beach. There is no legal requirement that code enforcement inspectors must directly report to the Building Official nor are there insurmountable difficulties in combining outreach and regulatory roles in the same department; other departments such as Police and Health already do this. Any assistance provided by the community planners to code enforcement can continue to be provided across departmental boundaries.

The chart below shows the effect of this change upon existing City departments. (Compare with chart of current department organization found earlier in this report).

The heavy dashed line is intended to represent the Departments which would constitute the “Cabinet” level team, chaired by the Code Enforcement Manager. The lighter dashed lines represent inter-departmental assignments of fire prevention inspectors and health inspectors.



Unfortunately this recommendation would be the most difficult in terms of the organizational changes and would likely need to be phased in incrementally over time. The result would be a significant increase in the size and scope of the Community Development Department and decrease in others, most notably, Planning and Building. A “crosswalk” organizational chart is attached as Exhibit 5.

In addition, as part of implementation, the City would need to integrate computer software and data from departments to the new organization and/or allow the new organization to access this information. The City would also have to put systems into place to ensure that the new organization can continue to collect and provide all necessary statistics and data for administration of existing grant funding. There is no reason an organizational structure change would necessarily cause any problem in this regard; the new organization would simply need to collect the same information being collected now by a department and either administer the grant or provide the information to the original grantee for administration.

The biggest problem in implementing a geographically based inspection and code enforcement system for Long Beach will be determining how to redeploy resources to achieve full coverage of the City by code enforcement and inspection teams. This will involve relatively major organizational shifts in Planning and Building Department, the Health Department and the Housing Authority. However it would not be necessary to actually transfer employees to a single department for the team function to work. Housing health inspectors and fire inspectors could be assigned to work with the code enforcement and inspection teams while remaining employees of their home departments.

Another important part of the geographic team approach would be to integrate fire station personnel into the system to verify complaints and handle additional inspections. Each fire station in the four code enforcement areas should have a liaison to the code team, as the fire crews can be an important force multiplier for certain field activities. This is discussed in more detail in Recommendation 4 below.

There have been objections made to this approach from affected departments. These focus on the need to maintain separate inspection specialties, the infeasibility of collapsing inspections, and the fact that a community-based inspection approach applied to the entire city would take more resources. However these departments have also acknowledged that system improvements can be made and have voiced support for moving to a more consolidated and geographically based system. Staff from the City Manager's office and Management Partners have and will continue to work with involved departments to overcome institutional barriers to the changes proposed. Fundamentally however we believe the system must be reorganized to provide greater accountability, support higher productivity and to provide an incentive to consolidate inspections when it possible to do so. (There is a history of Long Beach management making a case for such changes going back to the mid 1970's.)

### **Improved Productivity**

First we need to define the makeup of a code enforcement and inspection team. This is the basic building block of a neighborhood-based system. Teams would work in one of the code enforcement quadrants. The number of teams in each quadrant will be a function of service demands. For discussion's sake, each team would include the following FTE allocations shown in Table 12. The estimated annual loaded cost for each of these positions is also shown.

**Table 12. Estimated Code Enforcement Team  
Staffing and Costs**

<b>Classification</b>	<b>Annual Cost</b>	<b>FTE / Team</b>
Building Inspector	\$71,000	1
Enforcement Officer	\$55,000	1
Clerical	\$10,000	0.25
Abatement Specialist	\$17,750	0.25
Principal	\$21,250	0.25
Health Inspector	\$17,250	0.25
Fire Inspector	\$17,250	0.25
Subtotal	\$209,500	3.25
Police Liaison	---	1
Prosecutor	---	1
City Attorney	---	0.25
Nuisance Abatement Officer	---	0.25

Table 13 shows an estimate of the number of teams which can be supported. For the proposed staffing and classifications we have used the report recommendations. However in calculating the costs above we used a slightly higher personnel cost estimate, due to the fact that it will take some time to reconfigure the organization – presumably through attrition. In addition this comparison does not include upper management.

**Table 13. Current and Proposed Code and  
Inspection Staffing**

<b>Current Staffing Levels</b>		
<b>Type</b>	<b>FTE</b>	<b>Est. Annual Cost</b>
Principal CBI	3	\$255,000
Senior CBI	6	\$450,000
CBI	20	\$1,360,000
EHS	10	\$720,000
Housing Inspectors	8	\$448,000
Clerical	8	\$360,000
Fire Sworn	5	\$395,000
<b>Total</b>	<b>60</b>	<b>\$3,988,000</b>





<b>Staffing Needed for 4 Groups with 4 Teams in each Group</b>		
<b>Type</b>	<b>FTE</b>	<b>Est. Annual Cost</b>
Group Manager	4	\$340,000
Fire Inspection	4	\$288,000
Housing Inspection	4	\$288,000
Abatement Specialist	4	\$272,000
CBI	16	\$1,088,000
CES	16	\$896,000
Clerical	4	\$180,000
<b>TOTAL</b>	<b>52</b>	<b>\$3,352,000</b>

Note: The number of building inspectors will be higher initially

Moving to the group/team structure and assuming four teams per group (on average) requires less staff and less costly staffing. The main savings are achieved from phasing out the use of sworn personnel for fire inspections and teaming building inspectors with code enforcement specialists for the simpler types of cases. This analysis has not included consolidation of existing Neighborhood Specialists into the groups, but that may be desirable and would increase productivity. Under this scenario, the Health Department would continue to have four Environmental Health Specialists who would each be assigned to provide technical support to the four geographic code enforcement teams. Because they are funded through Health Fees, they would remain employees of the Health Department but would be provided through contract to the code enforcement teams. Using attrition, the current five additional Environmental Health Specialist positions assigned to the Health housing program would be converted into general code enforcement aide positions. Some of the time associated with such positions would continue to be funded with permit fees based on the inspection activities directly related to the enforcement of housing health codes.

Next we have to see if the teams can complete the required inspections and then calculate how many code cases they should be able to clear. The inspections to be transferred initially and the annual quantities on a per team basis are shown below in Table 14. While there will be enough personnel available initially to field more than 16 teams, especially with the use of some Neighborhood Specialist resources, we have used this number to be conservative. The per FTE output numbers are calculated from actual caseloads/inspections in FY 2003.

**Table 14. Estimated Inspections Per Team**

<b>Permit Type</b>	<b>Annual Inspections</b>	<b>Each Team</b>	<b>Per FTE</b>
Business Licenses	1,400	87.5	768
Garage Inspections	1,200	75	794
Assisted Housing	14,000	875	1788
Multi Family Housing	8,500	531.3	570

Fire	9,300	581.25	1028
Total	34,400	2,150	989.6

From the above it is apparent that the team would have to allocate approximately 2 of its FTEs to complete the necessary inspections based on current productivity and assuming no inspection consolidation. However if the team could consolidate only 280 inspections, for two permits only (15% of the total) it could complete the inspections with 1.75 FTE. This is a very achievable goal, since each team can pursue this via productivity improvements and/or consolidation of inspections.

Assuming all inspections are handled, the team now has at least 1.5 FTE available for code enforcement cases. Using the existing closure rate per FTE for the existing CCP program, which is the most productive code enforcement program, (274 cases closed per FTE) yields an estimate of 411 cases per team. Based on industry standards according to the ICMA report, this is a reasonable expectation with respect to case closures.

Aggregating this for the 16 teams yields an estimate of approximately 6,600 cases closed in total. This compares very favorably with current performance. Planning and Building is estimating it will close 6,374 cases in FY 2003, and have 7,392 cases pending for FY 2004. The new system seems quite capable of dealing with current demand levels and eliminating the backlog over time if necessary. This shows that transition to a neighborhood-based approach, which has shown to yield significant benefits in terms of performance and customer satisfaction, can accommodate existing workload demands, based on very modest estimates for increasing productivity via inspection consolidation and using performance and productivity estimates that have already been achieved with existing Long Beach neighborhood based programs.

It is important to note that these teams will not be functionally equivalent to the existing CCE approach, because they will not have the resources (generally) to undertake a proactive program. By necessity the majority of time will need to be spent responding to complaints. In making this point the Planning and Building Department has indicated that it believes productivity levels assumed here (based on CCP performance) may be too optimistic, and more personnel may be necessary to make the team concept work.

In response it should be noted that the teams will have to prioritize work and this has been shown to work successfully in the existing CCE / CCP approach. Additional productivity improvements are expected from a number of the other recommendations contained in this report and these have not been included in the above discussion. In any event moving to a neighborhood based system is desirable based on the higher levels of accountability and customer service that have been demonstrated, even if the City has to prioritize the caseload and even consider elimination of some inspections that are discretionary.

**Recommendation 2: Adopt a citation based administrative enforcement system.** This is probably the most important best practice Long Beach can implement at this time. The reasons to do so include: it would speed the resolution of cases, generate revenue and empower inspectors, thus making them more productive, as well as allowing other City employees to assist in enforcing the codes.

This represents a shift in the existing code enforcement “culture” within Planning and Building which currently has a focus on gaining voluntary compliance rather than implementing penalties. The Department has noted that while the citation program would be more efficient, some members of the public may object to what could be viewed as a “heavy handed” approach. While there is truth to this observation, an enhanced citation based program is justified not simply on economic and efficiency grounds. First, there is considerable dissatisfaction with the current approach in Long Beach, particularly with regard to the long time duration to gain voluntary compliance when, in essence, the City is seen to be giving violators a very long grace period during which they do not need to comply. This was discussed in both the public and employee focus groups. Second, the use of administrative citations in code enforcement is a very common practice in municipalities nationwide and, therefore, would not put Long Beach at a disadvantage in terms of public opinion.

Long Beach has some administrative enforcement mechanisms in place, most notably, a program for the citation of vehicles that are inoperative or parked on private property in violation of code. The City also has the Neighborhood Nuisance Abatement Program, which relies on administrative remedies. This, however, is aimed at the higher-level, more complex nuisances. Long Beach also has an independently elected City Prosecutor, who actively pursues criminal charges if an administrative office hearing does not result in compliance. Again, however, this is a program aimed more at the complex cases than the day-to-day weed and trash complaints that make up the bulk of the caseload.

Long Beach could benefit from implementing a citation program for other minor types of infractions, such as illegal signs and other zoning violations, weed, trash and other substandard property maintenance which comprises a bulk of the workload. Administrative citations could be issued by any trained personnel in the City including code enforcement, police, and fire personnel. To complement a broadened citation program, the City should rework the existing administrative BEAC process to first provide an administrative abatement notice/enforcement hearing before a hearing officer, with appeals to be handled via the existing NNAP process before civil or criminal litigation, except for cases that merit more immediate criminal prosecution. BEAC would be eliminated or used only with respect to building code interpretations.

The City of San Diego relies heavily on an administrative process to remedy code violations. The three main tools used are recording a notice of violation, issuing an administrative citation or issuing an administrative abatement order. The approach used is

based on the severity of the violation, and starts with the recording of a notice of violation for the most minor violations. Also, prior to the issuance of any administrative penalty, the City issues an administrative citation warning. We recommend that the City pursue modifications to the LBMC, which would provide for a San Diego-type process.

An administrative process modeled on San Diego would take a maximum of about 90 days after a physical inspection is made to resolve a case. The current Long Beach approach is estimated to take about 170 days (post physical inspection) to resolution via the BEAC process.

Perhaps an even more important benefit would be that inspectors could resolve cases sooner and without need to resort to administrative procedures beyond issuance of a citation in most of the more minor code violations. While the Long Beach system also results in a high level of compliance prior to the initial BEAC hearing, especially if the City Prosecutor is concurrently warning of criminal proceedings, it is more time consuming, and more complex. Long Beach staff members interviewed for this analysis are of the opinion that a citation program would significantly improve productivity, reduce BEAC processing costs and generate some revenues.

San Diego reported that in 1997 they issued 1,000 administrative citation warnings. Of these cases, 350 resulted in the issuance of a penalty citation. They reported that 25% of the citations issued were appealed, which requires an administrative hearing; thus, of the 1,000 original cases, 913 were resolved at the field inspector level without need any further administrative processing. San Jose also has an administrative citation program and they report issuing about 300 citations a month.

Sometimes the “mechanics” of a citation based administrative system are an issue of concern. It is actually a fairly simple process, and just as the decriminalization of parking violations has been readily accommodated by California cities, citations for code violations are manageable.

Here are some of the customary procedures

1. Citations are issued to a “responsible person” as defined, by an “enforcement official.” The responsible person is either the property owner or business manager. The enforcement official is usually any City employee so designated by the City Manager.
2. A copy of the citation is also mailed to the property owner. Mailing may be substituted for personal service.
3. Failure of the responsible person to sign the citation does not affect the validity of the citation but is always requested.
4. If it is not possible to locate the owner or a manager, the citation is posted on the property.

A citation will include the following information:

1. Date, location and time
2. Code sections violated and description of how violated
3. Action necessary to correct the violation
4. Require the immediate repair of the violation and explain consequences for failure to pay
5. State the amount of the penalty
6. Provide directions as to how and when the penalty shall be paid and the consequences of failure to pay
7. Give directions on appeal
8. Signature of the enforcement officer and responsible party.

Most other cities have a three-step, tiered penalty system and there is usually a warning citation before the first monetary penalty. A typical setup for Long Beach would make failure to comply with the warning citation grounds for issuing a \$100 citation, further non-compliance can result in a second citation of \$250 or even a third citation for \$500. These citations are able to be appealed to an administrative hearing officer who may affirm, waive, or conditionally reduce the amount of the fine.

If the citation approach does not result in compliance and recording of a notice of violation is not appropriate as a way to close the case, San Diego proceeds to an administrative abatement order. Here the property owner is given a notice with a timeframe, (usually 10 days) for compliance. If the property owner does not abate the nuisance within the specified time frame a hearing is scheduled. This is in some ways similar to Long Beach's NNAP hearing process, and in Long Beach should be integrated with the existing NNAP process. San Diego reports about 100 abatements per year and most do not go to a hearing.

If this does not work, or in the case of a serious violation, San Diego will pursue a civil action. The responsible parties in these cases receive a Civil Penalty Notice and Order demanding compliance within a specified time frame. Failure to comply within the time frame can result in a daily fine of up to \$2,500 per violation, not to exceed a total fine of \$100,000. A hearing is automatically scheduled when parties fail to comply. About 35 hearings are held per year.

In Long Beach, this hearing would probably be best handled using the existing NNAP procedures. In Long Beach the determination for final remedy (civil, criminal or other) could be decided at the code enforcement group level by a team including the team inspectors, code enforcement group manager, NNAP Officer, City Prosecutor's Office and City Attorney's Office with the final call made by the code enforcement group manager. Because each case is unique and circumstances can vary broadly, it is important

to maintain flexibility in the system in terms of approach; a group discussion such as that described above would allow for such flexibility while making one person (the code enforcement group manager) ultimately responsible and accountable for results.

To summarize, the compliance steps in Long Beach for a typical case would be:

1. Issuance of notice of violation/warning
2. Upon re-inspection, issuance of a citation.
3. If violator appeals, hearing before an Administrative Appeals Officer.
4. If no compliance after repeated citations, an Administrative Hearing would be scheduled.
5. If still no compliance, group meeting and decision by Code Enforcement Group Manager as to criminal, civil, or other remedy.

Throughout this process the City Prosecutor's office would be involved and would aid in achieving compliance by separately notifying violators of the potential for criminal penalties.

Violators would be allowed to appeal only once per violation; if the appeal is denied, the violator would lose the right to subsequent notices/citations and the violation would be corrected or the process would proceed directly to #3 above. If a violator does not appear for an appeal or hearing, financial penalties would be imposed. Any citations, fees or fines which are not paid can be collected by the City through a judgment lien to recover these costs. A recent California case (*Santa Paula v. Narula* (2003)114CA4th485) upheld on appeal (and denied for hearing by the State Supreme Court) found that a city could not only collect its judgment lien but also related attorneys' fees from code enforcement violators.

The BEAC process would be reconfigured to handle only more complex code interpretation hearing or full building abatement cases which may lead to demolition or seizure.

There is significant concern, as expressed at the public focus group, that code enforcement inspectors focus more on private residences than on commercial enterprises (businesses). The new code enforcement organization should establish policies and procedures on how the City will handle business violations, including the potential to set a different fine/fee structure and/or tying compliance to the City's business licensing process so that non-complying or repeat business violators are not allowed to do business.

The Appendix contains a flow chart that shows how this process could work in Long Beach.

**Recommendation 3: Institute an Inspection upon Sale Program on a phased basis.** As a result of focus group results, staff interviews and after

reviewing best practices in code enforcement, one program that appears to have potential use and applicability in Long Beach is the type of program commonly called “Inspection upon Sale.” In summary, such a program ties a mandatory inspection or assurance of code compliance with the sale of property.

According to the California Association of Realtors, the following California communities have in place some form of inspection upon sale program:

- |                |                                     |               |
|----------------|-------------------------------------|---------------|
| ▪ Belvedere    | ▪ Hawaiian Gardens                  | ▪ Ross        |
| ▪ Carson       | ▪ Larkspur                          | ▪ San Anselmo |
| ▪ Compton      | ▪ Maywood                           | ▪ San Rafael  |
| ▪ Cudahy       | ▪ Mill Valley                       | ▪ Sausalito   |
| ▪ Corte Madera | ▪ Novato                            | ▪ South Gate  |
| ▪ Fairfax      | ▪ Pasadena (change<br>of occupants) | ▪ Tiburon     |

Nationally, communities in Illinois and Ohio have similar programs. One of the largest cities known to have such a program is Minneapolis, Minnesota. Minneapolis has a “Truth-in-Sale” program, which requires an inspection (they call it “evaluation”) before the sale of all single-family houses, duplexes, townhouses, first-time condo conversions and title transfers. City licensed “evaluators” (private contractors) identify the condition of the property before it can be shown to potential buyers and file a copy of the report with the City within 5 business days. The Truth-in-Housing disclosure report must be displayed so that potential buyers can look at it. The buyer then agrees to correct items as identified within 90 days of closing unless a Certificate of Approval has been issued by the City to the seller saying everything has been done. The buyer can request that an escrow fund be set up by the seller to pay for corrections. City inspectors will come to inspect after repairs are done or the allotted time has elapsed. Failure to comply is a misdemeanor.

In Long Beach, this program would be particularly valuable for multi-family and rental units, which comprise roughly 60% of total housing stock. According to participants in public and employee focus groups conducted as part of this project, multi-family housing is a significant code enforcement issue, in many cases the result of owners who do not live nearby or keep close watch on their properties. The perception by employees and residents is that persons who want to invest in Long Beach real estate should be held accountable for its upkeep and maintenance to ensure their quality of life. Code enforcement employees agree that tracking down absentee owners can be difficult. Since rental properties comprise the majority of dwellings in Long Beach, it would make sense to focus the program on these areas first before considering an expansion to possibly include single-family dwellings.

The City has no more powerful point of leverage to force code compliance than when a market transaction, i.e., the sale of a piece of property (particularly investment property), is at hand. By tying mandatory code compliance inspections to the sale of property, the City can ensure that each rental dwelling in the City conforms to all applicable codes.

This program does require advance administration and setup prior to implementation. For example, Long Beach could either hire its own inspectors or license private building inspectors to perform such work. If the city opts for licensing, the testing standards must be determined, tests set up, and licenses administered and tracked prior to program implementation. Similarly, an administrative office to track inspections and outcomes and a program of marketing and education to escrow companies, realtors and property owners prior would be necessary prior to starting the program. However, pricing should be set such that the costs of licensing would be recouped by fees paid by contractors to get the licenses and the central office/administration costs would be recovered through a portion of inspection fees; thus most upfront investment by the city (though not all) would be recovered. Without detailed information on the number of property sales occurring per year in Long Beach, it is difficult to determine resource requirements. If this program is of interest to the city, more analysis would need to occur. While many variants and alternatives for this type of program exist, a diagram as to how Minneapolis' process works is attached here as one of the flow charts in the Appendix.

There are many considerations to weigh with such a program. Some of these are outlined below:

**PROS:**

- Ensures that all rental properties are brought into compliance before their sale to ensure safe housing.
- Once in place, this program should reduce code complaints for that property later on.
- Provides an opportunity for the City to educate multi-family owners about their responsibilities with regard to property maintenance and upkeep.
- Allows the City to charge a fee for this inspection to recover its costs.
- Will reduce the workload volume significantly for other multi-family inspection programs such as the Health and Human Services and Fire Departments' annual multi-family inspection programs.

**CONS:**

- Will result in significant real estate association concerns about complicating and slowing down the sale process.
- Will result in significant landlord association concerns about complicating and slowing down the sale process.



- Will require setup costs to create a process to administer this new system.
- Will require the City to establish a system to know when a property is being sold and to force participation. Typically, evidence of a satisfactory City inspection is required prior to close of escrow.
- Could result in uneven workload with the cyclical property sale market.

From our assessment of the need for code compliance in Long Beach and the importance of achieving compliance at the least cost possible to the City, this program is justified and we recommend its adoption. Because the program will generate fee revenue while reducing the demand for future code enforcement services, it addresses high priority objectives for the City. Additionally, because of the incentive created during the transaction process, this program does not require the City to pursue expensive enforcement efforts to gain compliance.

Sometimes a program such as this is launched after an amnesty period which allows property owners to secure permits for any illegally constructed units or other improvements.

**Recommendation 4: Expand the role of Fire Department station staff in code compliance and civilianize fire prevention inspectors.**

Currently, the City of Long Beach utilizes firefighters and crews located at its 24 fire stations to perform annual inspections of all 3-5 story apartment buildings. During interviews with Fire Department employees, it was noted that staffing for the Fire Prevention Bureau in the Fire Department has been cut in recent years due to budget concerns. This has resulted in difficulty by the current contingent of inspectors to undertake all necessary inspections in a timely manner. In particular a backlog of business license inspections is a growing problem. One option being considered by the Fire Prevention Bureau was to task more inspection work to the fire station level.

Several cities are either using or exploring the use of firefighters in an expanded regulatory role. San Diego currently has such a program and Minneapolis, Minnesota, is currently exploring a transfer of inspection duties to the Fire Department. Not only does this approach reduce the costs and personnel needs of inspection and code enforcement, but it affords an opportunity to maintain firefighter staffing levels by eliminating the need for other positions instead. Long Beach has a Strategic Action Plan Goal (S 2.5) which sets forth the City's goal of delivering more services from City Fire Stations.

Increasing the role of firefighters in code enforcement operations is a good idea and should also be explored in Long Beach. One option for Long Beach is to use firefighters in the stations to temporarily serve to cross-check the significant 18-24 month backlog of code enforcement complaints from the General Code Enforcement Division of the Planning and Building Department. The vast majority of these complaints are for readily

apparent violations for trash, weeds, debris or property maintenance. Since it is likely that the reason for many code complaints may be eliminated or changed, it would make sense to whittle down the backlog to those violations that remain and are “real.” The backlog of complaints could be sorted by geographic area/address and assigned on a monthly basis to the appropriate station house. The station house would then be required to check each complaint and note whether or not a violation continues to exist. This action could serve to sift through the backlog of complaints while using existing staffing and manpower at no additional cost to the City other than wear and tear on vehicles and fuel costs.

Currently a backlog of 5,178 complaints for Substandard Buildings, Property Maintenance, Weed Abatement, Vehicles, and Zoning (this excludes backlogs for CCE and CCP programs) exists. Dividing this by 24 fire stations results in a total of 216 inspections per station. Further dividing this total by 12 months results in just 18 inspections per month, less than one per day per station. While the workload will be distributed geographically and not numerically (thus resulting in uneven workload numbers), it seems that the numbers are not overwhelming and that such a project would be very doable in one year’s time. This project would require discussions with the Fire Chief and fire bargaining units, and administrative time to work out the mechanics of the operation and train the firefighters for these inspections. In addition, clerical staff time in the Code Enforcement section would need to be devoted to clear out old cases in the computer system and provide feedback on its resolution to the complainant (if s/he identified him or herself).

As for the long term, the City should continue to add inspection duties to firefighters in the stations as possible. During the course of this study it was noted that Long Beach uses firefighters (rather than civilians) in the Fire Prevention Bureau to perform Fire Code inspections; this is a level of skill greater than that required by the State, which only requires certification by the Fire Marshal and can be done by a civilian. The justification for Long Beach’s policy is that inspectors who are firefighters can do double duty by having turnout gear with them during inspections so that they can immediately be called in case of emergency, thus increasing the number of available emergency personnel. Inspectors also see value in viewing the Fire Code from the firefighter safety perspective and in being able to call upon their comrades in the station houses should there be need for backup or assistance at a scene (e.g., closure of a nightclub which has exceed occupancy limits).

While the above reasoning has some plausibility, it is our assessment that the City does not require the services of sworn firefighters to do fire prevention inspections. Substituting non-sworn inspectors that would work as team members in the neighborhood-based code enforcement and inspection teams would reduce overall City costs significantly. Additionally, the City could expect that non-sworn inspectors would have stronger technical skills and more of a career commitment to fire prevention inspection as a profession. To maintain their communication and ties to the fire stations, inspectors could be required to have regular hours both at the stations and at the code

enforcement team locations. Because some of the busiest stations for fire calls are also located in the areas of highest need for code enforcement, fire inspection staffing will need to be adjusted based upon inspection workload and call volume and will not be equal from station to station.

**Recommendation 5: Institute a Redevelopment Agency program to improve and rehabilitate structures in redevelopment project areas.**

The recommendations listed above are designed to more efficiently provide code enforcement services to the entire City of Long Beach. However, Long Beach contains low-income neighborhoods where many property owners have allowed their property to fall into a state of disrepair. These neighborhoods require a higher level of code enforcement than the rest of the city. At this time the, City does not have the financial resources to provide this higher level of service.

The Redevelopment Agency of the City of Long Beach is responsible for the elimination of blight in its redevelopment project areas and receives tax increment revenue that is used for this purpose. The Redevelopment Agency has the authority to create and fund programs to improve and rehabilitate structures in its redevelopment project areas.

A well-designed code enforcement program can contribute to the Redevelopment Agency's effort to cure blight. However, California law prohibits redevelopment agencies from funding a community's normal code enforcement activities. This report recommends that Long Beach institute a program using the best practices already in use in the cities of San Jose and Rialto. The Long Beach Redevelopment Agency could create and fund a program with the following characteristics:

1. The program would be designed to improve and rehabilitate structures in redevelopment project areas through the use of a coordinated code enforcement and rehabilitation loan program.
2. The code enforcement portion of the program would be proactive and exceed the normal level of code service provided in the rest of the city.
3. Code enforcement staff funded by the program would work exclusively in redevelopment project areas.
4. The Redevelopment Agency would create a program that includes a survey of building conditions in targeted project areas, and the creation of plan to rehabilitate and improve properties identified in the survey.
5. The program would be of limited duration, but could be renewed if blighting conditions persist.

The code enforcement portion of the Redevelopment Agency program would be most efficiently implemented using the organizational structure described in this report. Code enforcement officers assigned to the Redevelopment Agency program would be members of the Code Enforcement Group that most closely corresponds with their assigned

redevelopment project area and they would be supervised by the Code Enforcement Group officer.

## **V. ECONOMIC ANALYSIS OF RECOMMENDATIONS**

This section of the study examines the anticipated cost reductions and increased revenues associated with the recommendations discussed above. Listed below are the primary actions which will have either an expenditure or revenue impact.

1. Cost Reductions from Staffing Changes
  - a. Introduce a lower cost general code inspector classification and the linked reduction in building inspectors and health housing inspectors
  - b. Phase out the use of sworn firefighters for fire inspections in lieu of trained civilian inspectors
2. Net staffing reductions as a result of increased productivity and centralized management
3. Additional revenues from expanded use of administrative citations
4. Additional revenues from an Inspection Upon Sale Program
5. Additional revenues from a Cost Recovery Study
6. Use of Redevelopment Agency funding for the proposed Redevelopment Agency program.

Overall we estimate that implementation of the recommendations will result in a net positive impact on the City General Fund of approximately \$1.0 to 2.0 million per year.

### **1. Cost Reductions from Staffing Changes**

Currently most code enforcement and inspection services are provided by the following job classifications. The job classifications are shown in Table 15 below with the current average total annual labor (loaded) cost.

**Table 15. Job Classifications and Pay**

Fire - Sworn	\$78,679
Combination Building Inspector	\$71,905
Environmental Health Specialist	\$69,091
Housing Specialist	\$55,262

As part of the reorganization strategy to implement a neighborhood based system, we assume the replacement of existing combination building inspector and environmental health specialists (for health housing inspections) with a lesser paid generalist code enforcement classification. For purposes of this analysis this new position has been benchmarked with the existing housing specialist position, which is the lowest paid position in the City completing inspections.

In addition it is projected that the existing sworn fire inspectors will be replaced with lower paid non-sworn inspectors. For purposes of this analysis we have benchmarked the fire prevention investigator classification at the environmental health specialist level.

While more analysis will be necessary to determine exactly how many specialized inspectors can be replaced with a generalist position, we are using an estimate of 50% of both the environmental health specialist classification and the combination building inspector position. The basis for this assumption is the fact that more than a majority of the code enforcement cases are for relatively simple matters such as weeds, debris, minor to moderate property maintenance or relatively simple zoning issues. In addition we have documented that other cities are able to provide substantially the same services using virtually all generalist code inspection positions. An example would be the City of Sacramento where code enforcement inspectors with a productive cost (loaded cost) of from approximately \$45,000 to \$62,000 handle the majority of code matters. For these reasons the 50% replacement estimate is conservative.

Assuming the elimination of no existing staff positions, but assuming reclassification of 50% of the existing specialist building inspector and health inspector positions to a new generalist classification at a productive cost of \$55,000 per year yields an annual dollar savings of \$274,000.

The other major reclassification would be to eliminate the use of sworn firefighter positions and to instead use trained civilian fire prevention inspectors. For this analysis these inspection positions were assumed to have the same productive costs as environmental health specialists. In addition, based on the fact that lesser trained inspectors can handle some of the less complex fire inspections under direction of a fire inspector and because trained civilian inspectors can be more productive than firefighter positions because ongoing firefighter training is not necessary, we assumed four fire inspectors, one for each geographic code area, in-lieu of five firefighters. These changes would translate into an annual cost reduction of \$119,000.

Taken together the above staffing changes would save approximately \$393,000 per year.

## **2. Net staffing reductions as a result of increased productivity and centralized management.**

As discussed earlier, moving to a neighborhood based system based on four groups with four teams in each group, would require slightly less staffing than currently applied and could be done with lower cost positions. Eventually, this transition should result in a savings of approximately \$636,000 per year (Table 13). This will be composed of the staffing changes discussed above as well as the expected increase in productivity from a more responsive and accountable neighborhood based system.

Initially we expect relatively modest cost savings will be realized from productivity gains. This is because most of the productivity improvements from using the CCE model will be used to process pending cases, catch up on the backlogged cases and implement the reorganization. Significant gains can be expected in the longer run however. As discussed previously, the CCE model is much more productive in terms of virtually any performance measurement than other approaches. Productivity gains will also come from collapsing and consolidating enforcement and inspection within the neighborhood-based teams, but this will not be achieved in the short run either.

Immediate savings can come from the elimination of some management and supervisory positions, chiefly within the areas of code and housing inspection services in Planning and Building, Health and Community Development. Aside from clerical and analytical support which are assumed to all move at least initially to a new centralized code enforcement and inspection division, there are approximately 3.5 management or supervisory positions assigned to the above three departments and managing different parts of the overall housing code enforcement and inspection programs. This is more than will be required for the management of the four neighborhood-based code enforcement and inspection teams. We believe the City can eliminate two positions, through attrition, at an average productive cost of approximately \$120,000 by centralizing management of the code and inspection programs in the housing area alone, a total savings of approximately \$240,000 per year. Some, but not all of this savings can accrue to the General Fund. We would estimate the General Fund annual savings at approximately \$82,000, although it could be higher depending on how the reductions are implemented.

Savings with regard to the elimination or consolidation of clerical and administrative staffing is less clear. This report takes a conservative view on the potential for elimination of such positions. However, consolidating most housing-related inspections and code enforcement into a single organization should allow for some streamlining of existing staff support positions. Because many of these positions provide other services to their current home departments, exact reassignments and elimination of specific staff positions should be assessed as an implementation issue. Some minor cost savings are possible in this regard.

There is existing overlap in the management of hazardous waste programs between the Fire and Health Departments. The Fire Department has already made reductions in staffing that have or will shortly address this issue to some degree. Our analysis suggests that there are additional cuts that can be made in the Health Department Hazardous Waste program through the consolidation of some inspections (the Hazardous Waste Generator Program in the Health Department and the Hazardous Materials Inspection and Business Plan program in the Fire Department). Additional reductions could be possible with the elimination of some non-mandated and little-used services (garment manufacturing inspections and noise complaint responses). While such services are desirable and beneficial, the current fiscal crisis necessitates some reduction in service and these programs are good candidates. The City can reasonably expect that the Health Department either increase revenues or reduce costs to close the gap between revenues and expenditures currently estimated at \$319,279 in FY 2003. While this is not a savings to the General Fund, the Health Department may either be able to transfer the funding to the City General Fund or absorb functions now paid from the General Fund.

Finally, there is the likelihood that the City can take some of the productivity gains associated with neighborhood-based inspections in the form of labor savings once the caseload has been balanced. Based on the work records available we conservatively project productivity increases in cases closed per FTE to be in the range of 21%. It appears that most of this savings (16%) is needed to address estimated existing demand. However, it is likely that the City will be able to maintain a significantly improved level of service with approximately 5% fewer employees, if the neighborhood model can be successfully applied to the entire City.

This would allow the City to reduce staffing in the inspections area by approximately 3.2 FTE. Based on the estimated cost of a building inspector, this converts into an annual cost savings of approximately \$230,000. Initially, the City should be able to eliminate one contracted position at a savings of \$50,000.

### **3. Additional revenues from expanded use of administrative citations.**

The main benefit of an expanded administrative citation program will be to resolve violations sooner, thus increasing productivity. The exact gain in productivity depends on several decisions yet to be determined, and for that reason the ramifications have not been included in the productivity increases costed out above.

Another benefit from the administrative citation program is that it will raise revenues for the City. Again the exact magnitude of this increase in revenues is dependent on decisions yet to be made (principally the fine for violations and warning policies). However using the experience of the City of San Jose as a guide it is possible to make a broad estimate.

As noted above, San Jose is using citation revenues to address budget deficiencies. They report issuing approximately 300 monetary citations per month at an average cost of

\$125. Assuming Long Beach issues a similar number of citations on a per-capita basis, assuming approximately 30% of the citations are unpaid due to an appeal (very conservative assumption) and that processing takes about 20% of the cost of a citation, the data suggests that Long Beach should be able to achieve new revenues on the order of approximately \$130,000 from implementing an expanded administrative citation program.

The total dollar value of the gains from productivity is likely to significantly exceed this amount, but at this stage it is prudent to be conservative.

#### **4. Additional revenues from an Inspection upon Sale Program.**

Again the generation of new revenues is not the primary goal of this program. The main objective of this program is to reduce the demand for code enforcement actions, and to achieve compliance more expeditiously and at less cost to the City than occurs via the typical violation/ enforcement process. The expectation is that it would be self-supporting. Staff no longer necessary in code enforcement and inspections due to productivity increases could be shifted to this function, which would be revenue neutral from the standpoint of the City General Fund.

The revenue to be gained from inspection permit fees would depend on the properties the inspection upon sale regulation applies to and the rate at which properties change ownership. Hypothetically if an Inspection upon Sale Program was applied to rental buildings which currently must have a business license (there are approximately 8,100 units) and assuming an average holding period of 10 years, there would be a need for approximately 810 inspections per year. Assuming it would take about four hours to complete an inspection and associated paperwork, two inspectors could handle this workload quite comfortably. Assuming a total City cost of approximately \$250,000 (two inspectors, one clerical fully loaded cost with a 40% overhead factor) implies a permit cost of approximately \$308 per building inspected to fully cover costs. Considering the many other fees and charges associated with a real estate transaction this is an almost inconsequential sum. On a per unit basis this would translate into an average cost of \$30 since the typical building has 10 units.

Because of the significant productivity gains projected from the reorganization, the Inspection upon Sale Program should be implemented as soon as the reorganization is operational and some staffing in excess of that necessary to accomplish the mission is identified. This would remove approximately \$250,000 in costs from the current system. Since current system revenues would not be reduced this would be an effective gain to the General Fund.

#### **5. Additional Revenues from Full Cost Recovery**

In several cases, departments were confident that the fees being charged were not fully recovering all City costs, including all indirect costs. In essence, any indirect costs that



are not fully charged to the user/violator are being paid by the City's General Fund, reducing funding for other programs. The Fire Department believes its inspection fees require adjustment upward. The Health Department similarly believes its fees do not recover all indirect costs. Long Beach also should consider addition of a small "code enforcement surcharge" to building permits pulled to correct violations.

It is difficult to estimate the additional revenues generated from such a study but we conservatively estimate \$300,000 for the purposes of this report. Health Department officials believed that a 10% indirect cost recovery to their fees alone could be justified and would bring in an additional \$300,000. To achieve the City's budgetary objectives, such a study should be initiated and accomplished as soon as possible.

It is also important that the City complete a re-evaluation of all permit fees , to insure full cost recovery in the new system. However, after correcting for the immediate problems identified above, we do not expect major revenue increases due to increases in existing permit fees because the new system will be more productive and thus less expensive on a per permit basis.

##### **5. Use of Redevelopment Agency funding for the Redevelopment Agency Program.**

One of the benefits of centralizing most code enforcement and inspections in Community Development would be to achieve better coordination with the Redevelopment Agency. In the past the Agency has expressed some support for funding code enforcement efforts as part of the overall blight reduction strategy, but has not done so due to a perception that it could not insure that the services would be cost effective.

With this reorganization and the associated development of better performance measurement and case monitoring, such concerns will no longer be an issue. The Redevelopment Agency would fund the proposed Rehabilitation Program. A representative from the Agency would be a part of the code team to insure that Agency objectives are being addressed.

The code enforcement component of an effective Redevelopment Agency program to rehabilitate blighted structures in the redevelopment project areas would likely require an investment of \$500,000. This is considerably less than is currently provided to the system from CDBG and other Federal housing funds.

A summary of fiscal and economic impacts is shown in Table 16 below. Some changes will take time to implement. However with RDA support, the City should be able to make its savings threshold in the next fiscal year.

**Table 16. Projected Impact to General Fund Deficit (annual)**

	Short-term	Medium-term	Long-term	

*City of Long Beach*  
*Recommendations for Optimization of Long Beach Code*  
*Enforcement and Nuisance Abatement Functions*

<b>Action</b>	<b>1 year</b>	<b>2-3 years</b>	<b>5 years</b>	<b>Total</b>
Use of non-sworn personnel for fire inspections			\$119,000	\$119,000
Use of code enforcement generalist position for simple inspections	\$50,000	\$150,000	\$193,000	\$393,000
Staffing consolidations	\$82,000			\$82,000
Neighborhood code reorganization productivity gain labor reductions		\$100,000	\$130,000	\$230,000
Citation program net revenue	\$130,000			\$130,000
Transfer of employees to inspection on sale function		\$250,000		\$250,000
New revenues from full cost recovery	\$300,000			\$300,000
New RDA program	\$250,000	\$250,000		\$500,000
<b>Total</b>	<b>\$812,000</b>	<b>\$750,000</b>	<b>\$442,000</b>	<b>\$2,004,000</b>

## **VI. CONCLUSION**

In order to achieve the service improvements and cost reductions desired by the City, this report recommends significant changes to Long Beach Code Enforcement and Inspection programs. By reorganizing the City's current very complex system into neighborhood-based teams working in City quadrants, the City can duplicate the success of its existing neighborhood-based programs while increasing productivity and accountability and providing a mechanism to set local code enforcement priorities. Centralized management of these quadrant workgroups will ensure system wide consistency, provide a means of central intake and management of service requests, as well as provide oversight of performance measurement to gauge the success of each workgroup and code enforcement team against key objectives.

The City can reduce costs by replacing higher grade technical positions with lower-grade generalist classes in some cases, using existing resources in the fire stations to assist in code enforcement efforts, and eliminating duplication and overlap in inspection and permitting programs. Increased use of administrative citations will improve staff productivity and speed compliance, as will an inspection upon sale program to ensure code compliance prior to the sale of property in Long Beach. Finally, the City's Redevelopment Agency can and should provide funding for a new Redevelopment Agency Program as a means to reduce blight and improve living conditions in the redevelopment project areas. A small number of problem properties generate a high proportion of the City's code enforcement workload. A proactive Redevelopment Agency program to address the code violations that blight low-income neighborhoods in Long Beach should result in reduced costs for the citywide code enforcement effort as permanent solutions for problem properties are found.

Implementation of these changes could result in a net positive impact of \$1.0-\$2.0 million annually while improving customer service and quality of life in Long Beach's neighborhoods. While implementation will need to occur in a phased-in manner and, thus, cost reductions will not occur overnight, there is much to be gained in the long-term by moving forward. As the City's strategic plan states, "Restoring neighborhoods as the center of community life is the most important step the City of Long Beach can take to build a positive future."

**EXHIBIT 1:  
Summary of Recommendations**

***Recommendation 1:*** Move to a geographically-based code enforcement system to integrate code efforts and to improve performance and accountability.

***Recommendation 1A:*** Use a team approach to facilitate the elimination of duplication and redundancy.

***Recommendation 1B:*** Use the team approach to provide a foundation for a generalist code enforcement classification.

***Recommendation 1C:*** Use neighborhood system to integrate or eliminate various code and inspection organizational units.

***Recommendation 1D:*** Centralize management to provide greater accountability and responsiveness.

***Recommendation 2:*** Adopt a citation based administrative enforcement system.

***Recommendation 3:*** Institute an Inspection upon Sale Program on a phased basis.

***Recommendation 4:*** Expand the role of Fire Department station staff in code compliance and civilianize fire prevention inspectors.

***Recommendation 5:*** Institute a Redevelopment Agency program to improve and rehabilitate structures in redevelopment project areas.

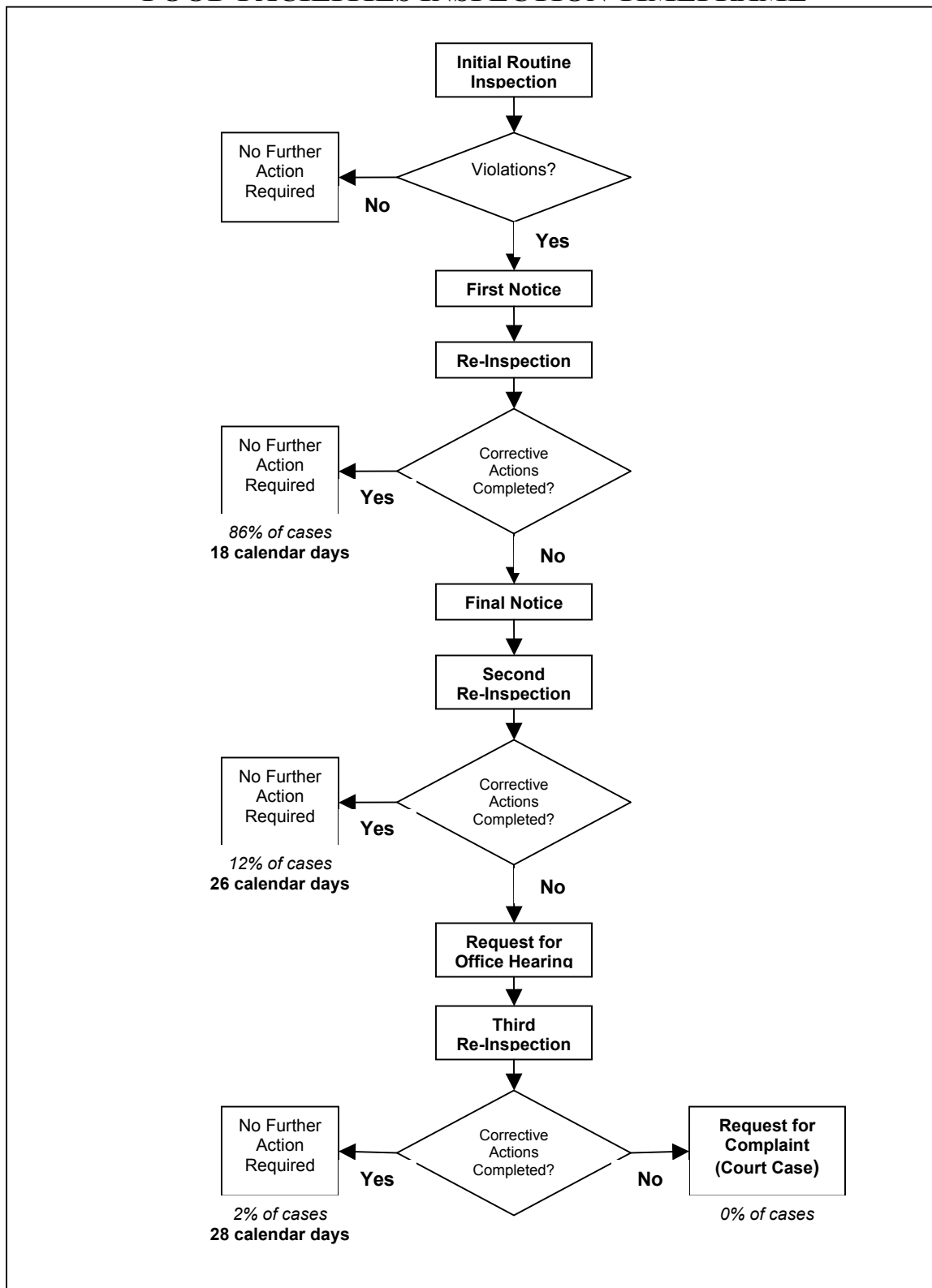
**EXHIBIT 2:**

**Flowcharts of Various Enforcement Types**

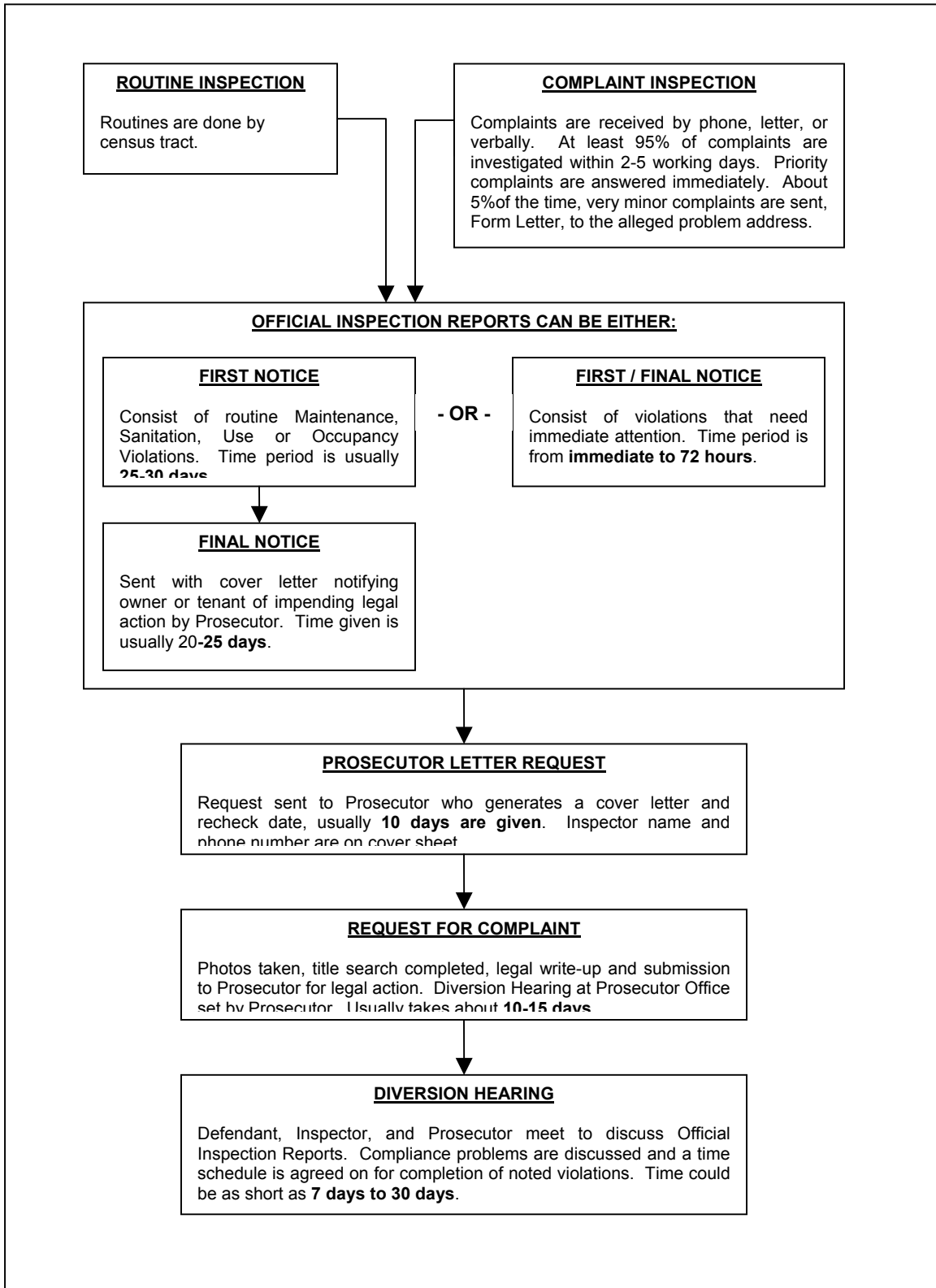
**Flowchart of Proposed Administrative Enforcement System**

**Flowchart of Proposed Inspection on Sale Program**

## FOOD FACILITIES INSPECTION TIMEFRAME



## HOUSING PROGRAM FLOWCHART FOR VIOLATION PROCESS



### Housing Program Flowchart for Violation Process (cont'd)

#### FOLLOW-UP INSPECTION / COURT ACTION

A follow-up inspection is conducted. Further photos are taken on uncompleted items and submitted to Prosecutor. Prosecutor sets Arraignment date. From this point time limits are set by the court system and can be short or prolonged due to court schedules. Arraignments are for a "guilty or not guilty" plea; Pre-Trial is for choice of trial by Judge or Jury and to check if violations are corrected; Trial is for determination of guilt and court and penalty fees including jail time. The Defendant may be asked by the Prosecutor to reimburse Environmental Health for cost of inspection time. Time for completion usually is about **30-60 days** per Judicial decision.



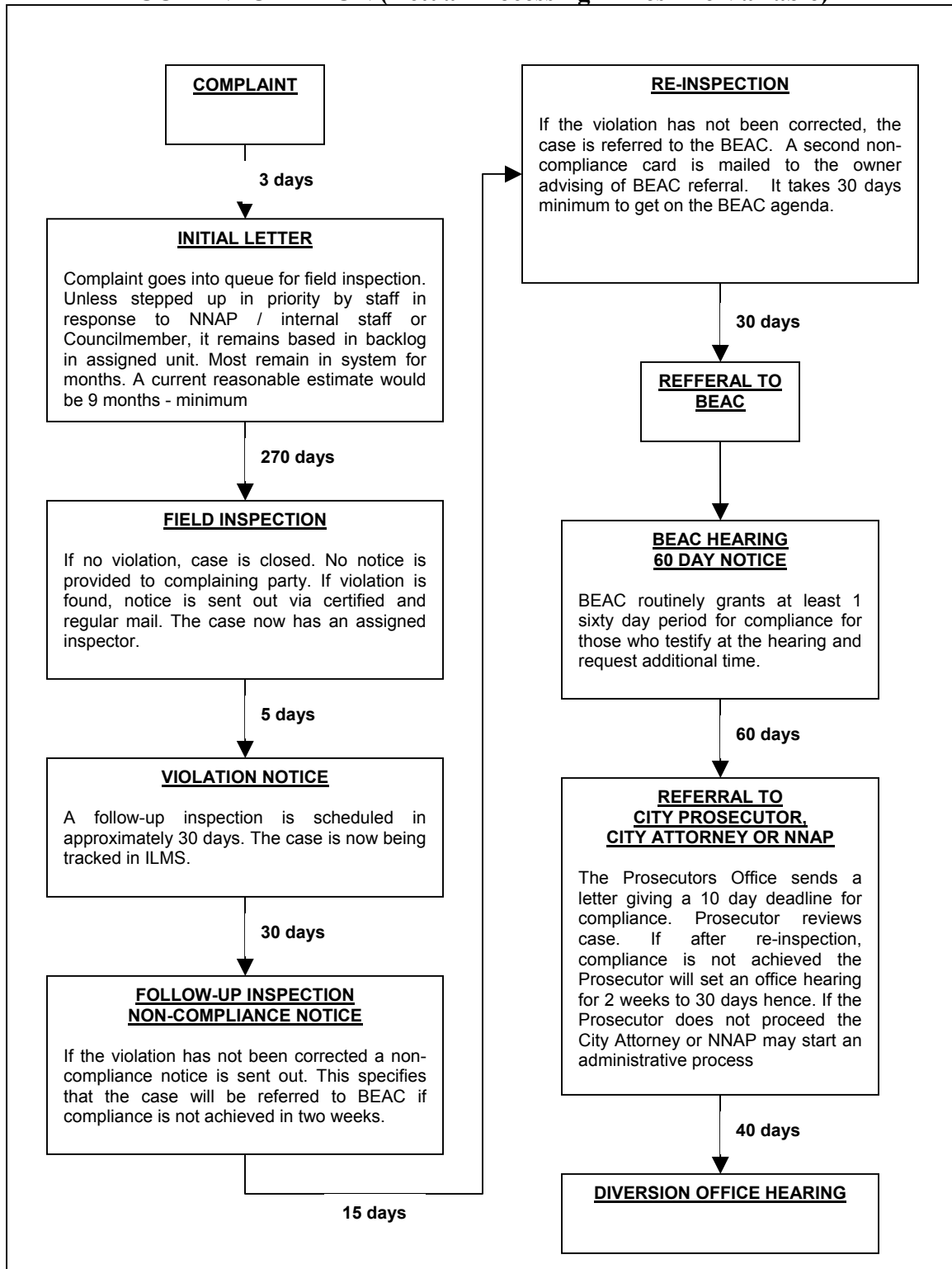
#### CONCLUSION

From the **First Notice to completion of court action takes about 140 to 200 days**. From the **First/Final Notice to the completion of court action takes about 90 to 120 days**. If there are difficulties in re-inspection this could add an additional 30 days to the scheme.

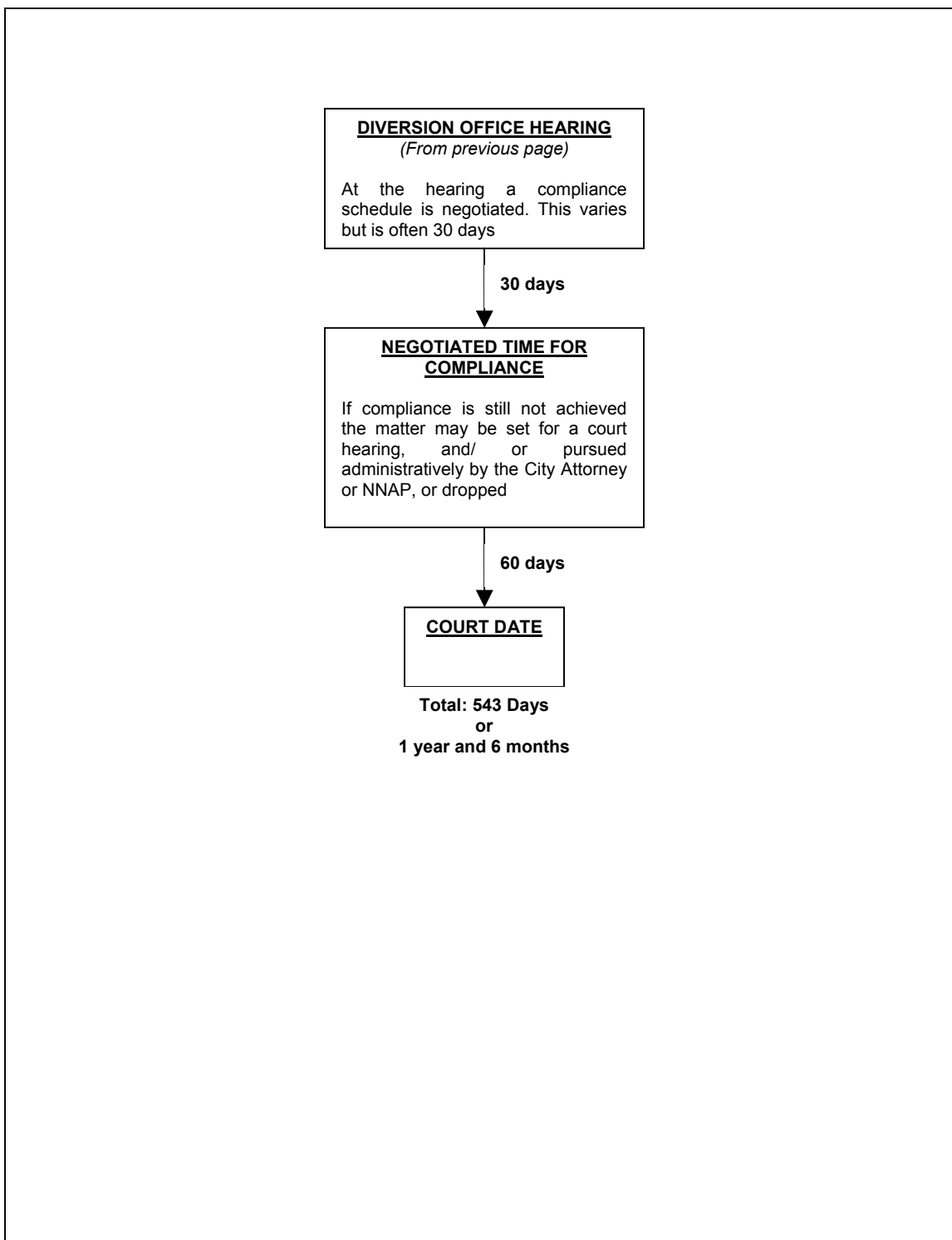
If the problem requires **immediate action** and no action is taken on a First/Final Notice, then the inspector can call directly to the Prosecutor Office and talk with the Prosecutor handling the inspector's area and request an **immediate "Diversion Hearing"**. This type of action will by pass the Prosecutor Letter and Request for Complaint. The time period for this type of **action can be 20-30 days or less**. This action is **used only in extreme cases**.



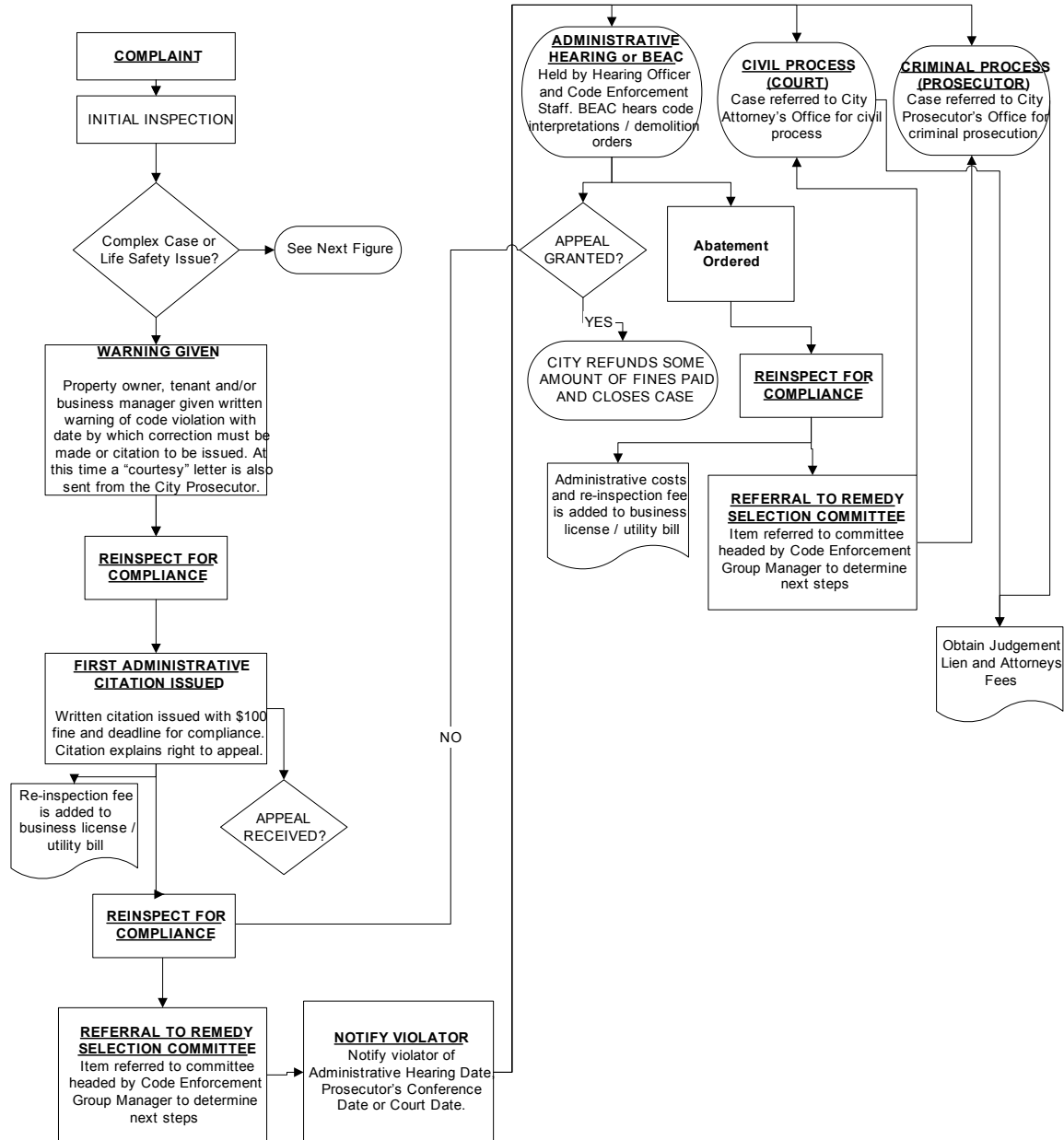
## SIMPLIFIED PROCESS CHART FOR TYPICAL PROPERTY MAINTENANCE CODE VIOLATION (Actual Processing Times Are Variable)



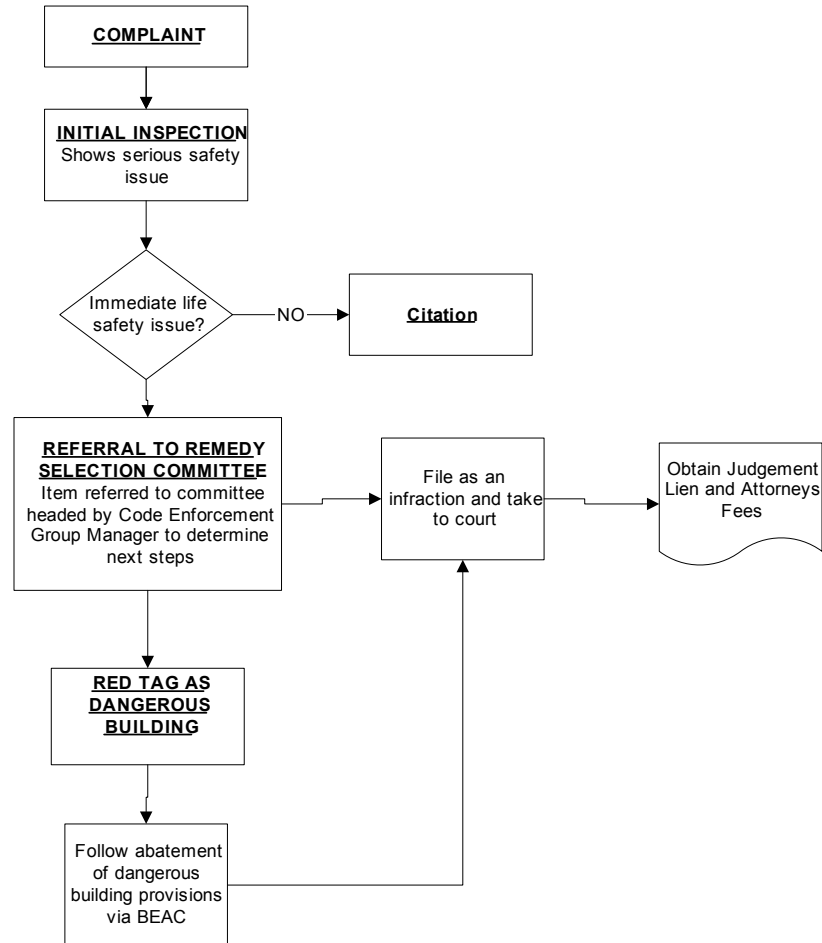
## SIMPLIFIED PROCESS CHART FOR TYPICAL PROPERTY MAINTENANCE CODE VIOLATION (cont'd)



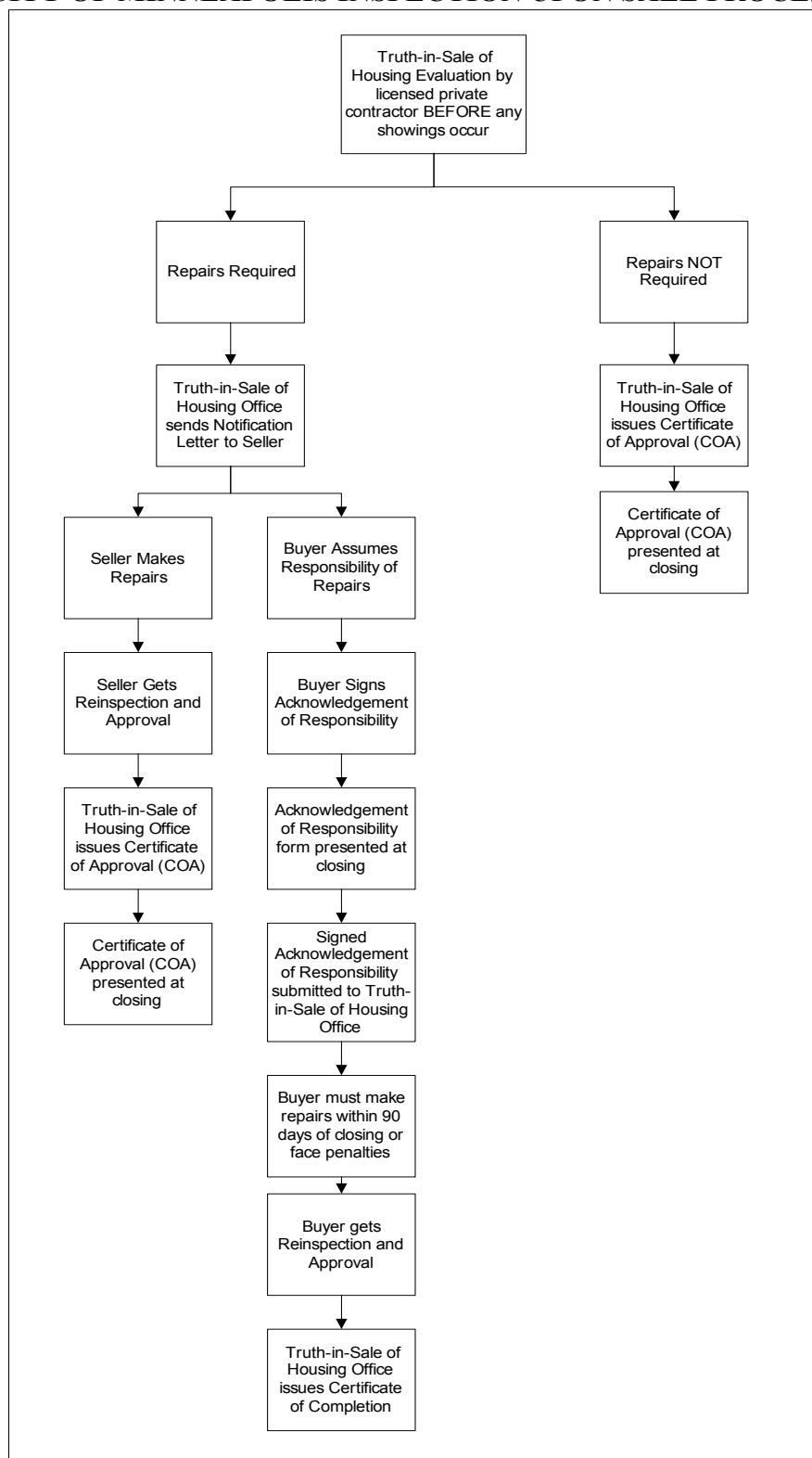
## SIMPLIFIED PROCESS CHART FOR ADMINISTRATIVE PROCESS (10 days is standard processing period between steps, except for court cases)



### Process Chart for Serious Cases



## CITY OF MINNEAPOLIS INSPECTION UPON SALE PROCESS



**EXHIBIT 3:**  
**Summary Comparison of Inspection Checklists**

<b>Inspection Commonalities from Inspection Checklists (fire is from State example, others are by City of Long Beach)</b>		
<b>Health</b>	<b>Housing</b>	<b>Fire</b>
<b>Any building with 4 or more units</b>	<b>Any unit with a Housing Authority contract</b>	<b>Any unit specified in Uniform Fire Code or added by LBMC</b>
<b>Appliances</b> – If supplied must be maintained and operable	<b>Appliances</b> in kitchen – working	<b>Electrical</b> – no obvious hazards
Attic vents – intact	Bedrooms – exit and size	<b>Elevators</b> - permitted
Bathroom – All fixtures working and sealed with hot water	Cabinets – working	Exits – marked, open and accessible
<b>Caretaker</b> – on site for 16 or more units	Closets – available	<b>Fire Extinguishers</b> – marked, mounted and serviced
Drainage – site drains	<b>Door &amp; Egress</b> – working, weatherproof and free of obstruction	Fire Protection Installations (if applicable) – sprinklers and / or hood extinguisher(s) tested and working
<b>Electrical</b> – Nothing exposed or excessive use of extension cords. Direct to Planning and Building	<b>Electrical</b> – working and no hazards	Fire Separations – Fire doors, fire wall and attic access maintained
Exterior <b>Doors</b> – rodent proof	Elevators - permitted	Flammable Liquids – in proper container and not in excess of amount allowed
Exterior lighting – working if present	<b>Exterior Condition</b> – clean no rubbish	Signs – exit, no-smoking, fire extinguishers
Exterior plumbing – intact and working	<b>Fire extinguisher</b> / smoke detector – provided	<b>Site maintenance</b> – no combustible storage, vegetation or debris
<b>Exterior walls</b> – intact and painted	<b>Floors</b> – finished	Storage – clearances to sprinklers, heaters, dumpsters are maintained
<b>Floors, walls and ceilings</b> – finished, no peeling paint	Gas – operating	
Foundation vents – covered w/ hardware cloth	<b>Heating &amp; Cooking</b> – unit has heat and stove	
Garages – openable door no illegal habitation	<b>Infestation</b> – none	
Gutters – working if in place	<b>Management</b> – on site for 16 or more units	
<b>Heater units</b> – permanently installed and working	<b>Site and Neighborhood</b> – no dangers to safety (criminal activity, excessive noise or inadequate maintenance)	
Interior <b>plumbing</b> – intact, no leaks	<b>Stairways</b> – handrails	
Kitchen – <b>plumbing works hot water</b>	<b>Walls and ceilings</b> – finished	
Laundry room – maintained if present	<b>Water Heater and plumbing</b> – secure and vented	
Roof – sound	<b>Windows</b> – intact and openable	
<b>Site</b> – no trash or debris, <b>no evidence of vermin</b> , no dangerous items, no unpermitted animals		
<b>Stairways</b> – handrails and railings		
Surfacing – hardscape not a hazard		
<b>Window screen</b> – in place		
<b>Windows</b> – openable and intact		

## **EXHIBIT 4: Best Practices in Code Enforcement**

### **City of Sacramento, CA (population 433,355)**

#### Code Enforcement Organized by Geography

The city has a “Neighborhood Services Department” which is responsible for code enforcement. The city is divided into four areas that are then broken further into neighborhoods. Each of the four areas has a Director, who coordinates with the department’s Code Enforcement Division. The Code Enforcement Division has three sections:

- Code Enforcement (33 FTEs, \$2.4 million budget)
- Housing & Dangerous Buildings (17 FTEs, \$2.1 million budget)
- Code Action Team (10 FTEs, \$910,000 budget)

The Code Enforcement section is further broken down into supervisors for specific areas and inspectors working within these areas.

The total FY2003/04 Neighborhood Services Department budget is \$6.97 million with a total of 80.25 FTEs. The balance of the funding goes to administration sections for each of the four areas.

#### Administrative Citation Program

The city has established administrative penalties to address all violations. Fines vary and range from \$100-\$25,000.

Process maps for some of the city’s programs are attached.

### **City of San Carlos, CA (population 28,032)**

#### Secondary Living Unit Amnesty Program

The city set up an amnesty program to encourage property owners who have illegal secondary living units to legalize these units. The Building Department does surface inspections only and utilizes codes from the estimated time of construction. The owner must still pay application and permit fees but are not charged violation penalties.

### **City of Minneapolis, MN (population 382,618)**

The City of Minneapolis houses the majority of its code enforcement operations in the Regulatory Services Department and in the Housing Inspection Services Division. In the 2004 budget, this Division had 10 FTEs in Administration, 62.5 FTES in Construction Inspections, 41 FTEs in Housing Inspections (down from 52.50 FTEs the previous year due to transfers to the Fire Department), and 26 FTEs in Development Services. The total budget for inspections is \$13.1 million.

#### Inspection upon Sale

The city has a “Truth-in-Sale” program which requires the inspection (they call it “evaluation”) before sale of all single-family houses, duplexes, townhouses, first-time condo conversions and title transfers. City licensed “evaluators” (private contractors) identify the condition of the property before it can be shown to potential buyers and file a copy of the report with the city within 5 business days. The Truth-in-Housing disclosure report must be displayed so that potential buyers can look at it. The buyer then agrees to correct items as identified within 90 days of closing unless a Certificate of Approval has been issued by the city to the seller saying everything has been done. The buyer can request that an escrow fund be set up by the seller to pay for corrections. City inspectors will come to inspect after repairs are done or time has elapsed. Failure to comply is a misdemeanor. Application and evaluator licensing materials are attached.

#### Fire Department to Do Housing Inspections?

According to the 2004 budget, “Regulatory Services is actively pursuing an initiative to review possible regulatory service activities throughout the organization that will be transferred to Fire. This initiative will identify those service activities and FTE levels that will be transferred in an effort to save critical firefighter positions.” Among other benefits, this program would “better utilize firefighter’s available resource hours to deliver City services at a good value to our taxpayers.” Under discussion is the transfer of housing nuisance inspections and rental licensing for all apartment buildings 12 units or greater to the Fire Department.

#### Administrative Adjudication

According to the 2004 budget, “In September of 2001 the City Council authorized the use of a new civil procedure known as the Administrative Enforcement and Hearing Process. The new program was designed to provide code enforcement staff with a more effective regulatory tool. Prior to implementation of the Administrative Enforcement, staff was obligated to use the criminal court process which is an ineffective tool for regulatory enforcement. A pilot program was launched on May 1<sup>st</sup>, 2002, in the Business Licensing Division of Regulatory Services.

During the first year, business-licensing inspectors expressed great satisfaction with the new tool and believe that because of it they are more effective in their enforcement. Inspectors have witnessed an increase in compliance with orders, a decrease in repeat violations and a reduction in the number of complicated cases. Moreover, use of the new



procedure saves employee time spent waiting for court cases to come up, it gives us more timely decisions, and it has actually increased and improved the dialogue with problem businesses. Additionally, administrative fines collected offset the expense of the additional inspector time taken up by problem businesses. Regulatory Services will continue to rely on this tool and expand its use throughout the organization.

In order for the Administrative Adjudication program to be successfully expanded to other divisions in Regulatory Services and other departments who conduct code compliance inspections, several aspects of the program will need to be coordinated and centralized. They are:

- Shared enforcement information, with the ability to track and monitor violation activity
- Coordinated fine/ticket payment and collection systems
- Coordinated Hearings of Appeals.

There appear to be vendors that will provide the database, scheduling, payment and collection functions all in one package for a portion of fines collected without much, if any, upfront investment.

In 2003 we expect that Police Licenses, Public Works Right of Way, and Regulatory Services Housing will begin using the administrative citation process. This should give us some better estimates of the overall volume of activity that might be generated by this process. With six months of performance activity we would expect that an RFP might be generated in 2004 to seek software and perhaps at least part-time staffing to record, schedule, and conduct hearings as well as centralizing collection of unpaid amounts. With a centralized process and software it should be easier in 2005 to add additional departments to the process such as Fire and Environmental Health.

Using this process will help the City accomplish Goals 1, 2, and 7. It will help people feel safe and trust the City's public safety professionals and systems, because we will no longer be threatening business persons with a criminal record for ordinance violations under most conditions. This is especially important to those who have an immigrant status. Additionally, those causing the City extra expense in inspector time will be the ones paying this expense."

#### Rental License Program

Minneapolis requires that every rental dwelling, including single-family rental dwellings and rental units in owner-occupied duplexes, and rooming and shared-bath units (unless they are in a licensed lodging house) must have a license. Licenses are annual and run from October 1<sup>st</sup> through September 30<sup>th</sup>. Cost is \$33 for first unit plus \$20 for each additional unit. If an owner is found to be renting an unlicensed unit, there are additional penalties.

#### Transitioning Regulatory Services from a General Fund to an Enterprise Fund

The city is beginning to transition the Regulatory Services Department from a General Fund to an Enterprise fund to match services with fees and have operations pay for themselves.

#### **City of Santa Ana, CA (population 348,143)**

The city houses the majority of its code enforcement programs in the Community Preservation and Neighborhood Issues section of the Planning and Building Department. The total budget for the Planning and Building Department is just over \$9 million.

#### Proactive Rental Enforcement Program

All rental housing in the city is reviewed every four years by quadrant. Initial inspections are done by appointment with the property owners at their convenience. Notices of Violation provide 30, 60 or 90 day time for compliance. Program policies require annual rechecks of properties having violations during the most recent prior inspection, regardless of location in the city.

#### Inspector Assignments by Geography

Both construction and community preservation inspectors in the city are assigned by geographic area. The city's website allows residents to click on their part of the city to find the name, phone number and (in some cases) the photo of their inspector.

#### Proactive Enforcement Team

PET is a fast-moving property maintenance oriented team. Surveys all properties in designated target neighborhoods and issues corrective notices for unsightly exterior conditions. Owners/tenants given 30 days to correct and then issued administrative citation. The goal is to address negative conditions early and prevent further deterioration of neighborhoods. Plan for PET is to move rapidly through the neighborhoods and cover as much of the city as possible each year. There are four team members – one (the “sweeper”) conducts an initial survey and records violations for the other members to address.

#### Vehicle Abatement Process (Inoperative Vehicles)

Notice of Violation is issued. Follow-up inspection completed 5-7 days later. If vehicle still “abandoned,” certified letter to registered and legal owners and property owner. 15 days after postmark, second follow-up inspection is completed. Inspector prepares paperwork for Abatement Warrant; warrant is signed by judge and posted 24 hours prior to inspection and abatement; vehicle is towed.

#### Infraction Citations

Issued for yard/lawn parking violations or vehicles being displayed for sale in violation of code. Citation is completed and left under windshield of vehicle. Recipient pays infraction and does not need to appear. Failure to pay will result in information sent to the DMV and possible prevention of licensing the vehicle.

#### Administrative Citation

Progressive citation used for a multitude of violations. Fine for first violation is \$100, then \$200 for second violation and \$500 for the third. Recipient can pay and does not need to appear. Failure to pay can result in matter being referred to a collection agency.

### **City of San Diego, CA (population 1,275,112)**

#### Neighborhood Code Compliance Department

This department was created under the City Manager in 1993 to address violations. In the 2004, the Neighborhood Code Compliance Department has a total of 65.02 FTEs and a budget of \$5.4 million. There are five sections:

- Management (5.02 FTEs)
- Community Outreach/volunteer leveraging (2.5 FTEs)
- Graffiti Control (10.5 FTEs)
- Initial Case Processing/intake hotline/log, letter preparation (4 FTEs)
- Property Condition Enforcement/building, housing, engineering and noise violation enforcement (20 FTEs)
- Property Use Enforcement (23 FTEs)

On the city's website, the department states that "There are numerous codes to enforce, and we assign priority to the following cases:

- Conditions affecting health and safety such as exposed live electrical wires, sewage leaks and vacant and unsecured buildings
- Substandard housing
- Illegal dwelling units
- Garages converted to dwelling units or sleeping areas
- Nonpermitted construction or grading in progress."

#### Neighborhood Code Compliance Volunteer Program

The city invites volunteers to contribute to community improvement and maintenance by assisting Neighborhood Code staff in identifying and responding to minor zoning code violations. *Qualifications:* Member of Community Planning Group, Town Council or Improvement Association; attend 3 hour training. *Time Commitment:* Varies depending on community needs.

### **City of San Francisco, CA (pop. 793,729)**

The city's code enforcement operations are housed in the Code Enforcement Section of the Building Inspection Division of the Department of Building Inspections. The Building Inspection Division has a total budget of \$16.4 million. The Code Enforcement Section (CES) investigates complaints of violations of the Building, Plumbing and Electrical Codes and employs abatement procedures to correct code deficiencies. This section also initiates follow-up enforcement when cases have been referred by other divisions within DBI by holding Director's Hearings and referring cases to the City Attorney for litigation. Assessment fees are collected from building owners that have code violations in order to recover costs incurred by investigations.

#### Director's Hearing

The Building Inspection Department Director's representative presides over an administrative hearing to compel property owners to comply with code violations. These code violations have not been corrected within the timeframe specified on a Notice of Violation. If violations found to remain, hearing office issues a written order called a "Director's Order of Abatement." This order includes notification to property owner that s/he is now responsible for reimbursement to the Department for code abatement costs, including preparation and appearance of staff at the hearing and all prior & subsequent costs, including reinspection time. The order is recorded at the San Francisco Recorder's Office and placed on the land records of the property in violation.

#### Abatement Appeals Board

Hears and decides appeals from Orders of Abatement and referrals to the State Franchise Tax Board, subsequent to the Director's Hearing. An appeal must be received within 10 days from posting or mailing of Order or Referral and be accompanied by the filing fee and application forms.

#### State Franchise Tax Board Referral

The State Revenue and Taxation Code requires local agencies to notify the State Franchise Tax Board when rental housing has substandard conditions. A referral is made when code violation have not achieved compliance after six (6) months from Notice of Violation completion date. The State Revenue and Taxation Code asserts that no deduction shall be allowed from substandard rental housing for interest, taxes, depreciation or amortization paid or incurred in that taxable year.

#### Monthly Building Inspection "Brown Bag Lunch Talks"

The Department of Building Inspection invites the public and city staff to attend a series of informal, general information talks presented at no charge. "Bring your lunch; coffee and other drinks will be provided." These talks are held monthly with the schedule and topics listed in advance on the city's website. Topics for 2003 included "2001 Code Changes and Administrative Bulletins Update," "Fire Escapes and Stairs," "The Permit Process in San Francisco," and "Inspections During Construction – What is Required and When?"

### **City of San Jose, CA (pop. 924,950)**

The bulk of the city's code enforcement operations are located within the Planning, Building and Code Enforcement Department's Code Enforcement Division. This division has a budget of roughly \$8.6 million and a total of 97 FTEs.

#### Funding from Redevelopment Agency (RDA)

Due to downturns in the General Fund, the city recently switched funding of four full-time proactive code enforcement inspectors from the General Fund and they are now reimbursed by the Redevelopment Agency.

#### Administrative Citation

This remedy is designed to address minor violations. Fines increase with each offense. For the first offense, fines are:

- Lawn parking - \$25.00
- Early set out of yard trimmings - \$25.00
- Inoperable vehicle - \$250.00
- Blight - \$250.00
- Illegal Sign - \$250.00

The city has recently expanded its use of administrative citations and issues about 300/month.

#### Administrative Remedies

Used for major violations, the fine is recommended by the City but decided upon by the Appeals Hearing Board. Fines can be as much as \$2,500 per day starting from the date that non-compliance is documented. Administrative fees may also be assessed.

#### Multiple Housing Rental Training Program

Purpose is to educate rental property owners on how to effectively manage their properties for the purpose of improving the value of their investment. Training emphasizes benefits of forming interactive owner/tenant associations. Program provides over 9 hours of training in 4 sessions. Ten courses are conducted each year with 500 participants.

### **City of Buffalo, NY (pop. 292,648)**

The city houses the majority of its enforcement efforts in the Department of Permits and Inspection Services with a total budget of \$4.6 million. The Office of Housing Inspections within the Department inspects for all building codes, Certificates of Occupancy and Use, and responds to citizen complaints.

#### Administrative Adjudication

The city has a separate Department of Administrative Adjudication responsible for investigating and issuing summonses for municipal code violations affecting quality of life. This department coordinates enforcement of city ordinances and nuisance violations.

accepts pleas and hears and determines charges for violations and meets with businesses to ensure compliance.

### **City of Chicago, IL (pop. 2.9 million)**

The majority of Chicago's code enforcement efforts are housed in the Department of Buildings - Code Enforcement Division. The total Department of Buildings budget is \$25.6 million. The Code Enforcement Division brings cases for residential and commercial violations, lead paint abatement, actions against landlords with problem properties, fire code violations, and illegal use or unlicensed businesses forward to the Department of Administrative Hearings (see below).

#### Landlord Training Program

Implemented in 1997 as a result of the anti-gang and drug ordinance which makes it illegal for any persons who own, manage, or control a property to encourage or permit prostitution, drug trafficking, or other illegal activity on the premises. Training program administered with the Department of Buildings and Chicago Police Department. It is designed to teach building owners, landlords, building managers and residents how to keep criminal activity out of their buildings, practice preventing building and crime maintenance, screen tenants properly, etc. It is a voluntary program and/or property owners who have violated the ordinance can be ordered by an administrative hearing officer to attend the program as part of their abatement plan.

#### Strategic Task Force

Enforces the anti-gang/drug house ordinance by identifying, inspecting and investigating buildings used as houses with ongoing criminal activity. Works in conjunction with teams of specially-designated Assistant Corporation Counsels who assist in the investigative process and prosecute administrative and court actions against owners of offending buildings. First step is meeting between Assistant Corporation Counsel and property owner to create a plan of action. Once the plan is formulated, follow-up inspections are conducted to monitor compliance. Second level is filing of an administrative action against the owner or manager, with the city seeking mandatory orders of abatement and fines. The third step allows the city to file a criminal complaint with the ordinance providing a jail sentence up to six months, fines, and/or community service.

#### Department of Administrative Hearings

Created in 1997, an independent department of city government and the first unified municipal administrative adjudicatory system in the nation. Serves as a quasi-judicial tribunal for expedient, independent and impartial adjudication of municipal ordinance violations. Outside attorneys serve as administrative law officers and preside over 400,000 cases per year. "We are Chicago's quality of life court." Has several divisions hearing cases of specific types:

- Buildings Division (Buildings, Fire, and Zoning cases);
- Consumer Affairs Division (Consumer Services, Police and Revenue);
- Environmental Safety Division (Environment, Health, Streets, and Sanitation and Transportation);
- Municipal Division (Cable Communications, Police, Revenue, and Water)
- Vehicle Division (Police and Revenue departments).

#### Industrial Street and Alley Vacation Program

Conveys underutilized streets and alleys to adjacent industrial businesses which need space or want to improve security around their facility. Property is usually available for a price far less than market value. Utility relocation costs vary. This program is coordinated by the Department of Planning and Development – Business and Public Affairs Division.

#### Alley Lighting Improvements

In targeted, high-crime alley areas, the city converts alley lighting fixtures to 250-watt (up from 90-watt). A pilot project doing the same showed encouraging results in reduction of crime and dumping activity. This program is coordinated by the Department of Streets and Sanitation.

### **City of Portland, OR (pop. 538,180)**

Portland's property maintenance code enforcement is housed in the Housing & Nuisance section of the Office of Neighborhood Involvement.

#### Fee Schedule for Non-Compliance

The city has had in place since 1992 a fee schedule charged to all non-compliant properties in violation of the city's property maintenance code. For example, a 1-2 unit dwelling with a violation is charged \$90 per month for the first five months, then the fee is doubled until compliance is reached. The property owner is given 30 days to comply and then the billing cycle starts. The fee is added as a tax lien to the property and the city clouds the title with the county such that the fee must be paid so that the title designation can be removed prior to the property's sale. The city has a limited number of exception methods (such as hardship) when such fees can be waived. Enforcement fees are charged to properties with Housing Code violations in an effort to recover some of the City's costs in maintaining open cases and performing inspections.

#### Nuisance Abatement Program

The city has firm fees in place for the abatement of nuisances such as weeds, trash, etc. The property owner is given notice and then the city abates the nuisance by using private contractors, and then charges the fees in a manner similar to that described above for property maintenance violations. To deter the necessity of abatements, the penalty is significant including actual cost of the abatement plus \$300 charge plus 40% of abatement cost as administrative overhead and an additional 50% of the cost of the abatement as an additional penalty.

### Receivership Program

Provides a way for the City to deal with particularly egregious properties by petitioning the court to appoint a non-profit Housing Developer to take control of the property and renovate it for use by low income families. Very few properties end up in receivership; generally the steps taken as part of the process result in 95% remedy of the problems by the property owner.

### Landlord Training Program

Trains landlords and property managers that crime and property maintenance directly effect the quality of life and contribute to the deterioration of neighborhoods. Provides tools to deal with problem tenants and activity, tenant screening, property maintenance, eviction procedures, etc. Program is voluntary.

## **Garden Grove, CA (pop. 169,911)**

The city's code enforcement efforts are housed in the Community Development Department – Neighborhood Improvement Division. The Code Enforcement section utilizes a variety of mechanisms to enforce city codes.

### Administrative Citation

This remedy is designed to address minor violations. The fines increase with each offense. For the first offense, the fines are:

- Lawn parking - \$39.00
- Non-permitted Auto Repair - \$150.00
- Inoperable vehicle - \$150.00
- Non-permitted Occupancy of a Trailer or Vehicle - \$150.00
- Illegal Sign - \$125.00

### Administrative Remedies

This remedy is used for major violations. The fine is recommended by the City but decided upon by the Appeals Hearing Board. The fine can be as much as \$2,500 per day starting from the date that non-compliance is documented. Administrative fees may also be assessed.

### Volunteers in Code Enforcement Program

Through this program, residents work together with the City to preserve and improve residential neighborhoods and make Garden Grove a better place to live and work. Code Enforcement volunteers assume tasks similar to those performed by Code Enforcement personnel. Volunteers are not asked to inspect their own neighborhoods or do interior



inspections but focus on exterior issues such as illegal signs, illegal parking/inoperable vehicles, trash, weeds, etc. Volunteers donate 4-8 hours per month, usually on weekends.

### **Davis, CA (pop. 64,259)**

#### Resale Program

The city requires all residential properties to be inspected by a city inspector prior to the change of ownership to determine if the property meets buildings codes, zoning regulations and security requirements. A property is exempt from inspection if the date of close of the current sale is within five years or either the date of the Site Inspection of a previously validated Resale Certificate or the date of the final inspection of the original/new construction.

Benefits of the program include:

- Enforcement of zoning and building codes
- Reduction in fire risks
- Monitoring of housing to keep the city informed on performance of adopted codes
- Minimizes substandard building conditions
- Helps to minimize lawsuits between buyers and seller

Cost of the resale inspection application and fees is as follows:

- \$200 for a single family unit
- \$250 for a duplex
- \$35 per unit for multi-family (\$250 minimum)
- \$15 per room for group housing (fraternity, hotel, etc. \$100 minimum)
- \$50 for Exemption

After applying, the seller schedules an inspection and a written report will be issued by the city within five working days of the completed inspection. The report is divided into three sections: Section A – Items which must be remedied and checked by the city, Section B – Items which must be remedied but will not be re-inspected, and Section C – Informational only items to the buyer with no action required.

### **Thousand Oaks, CA (pop. 123,986)**

The city's code enforcement efforts are located in the Code Compliance Division of the Community Development Department.

#### Residential Resale Program

In place since 1997, the ordinance which originated this program requires all residential properties sold in Thousand Oaks to have a records search performed by the city, prior to the close of escrow. The ordinance also allows the purchaser to obtain a physical

inspection of the property by a city inspector. This onsite inspection is optional and is available to those purchasers who desire it.

The fee for the mandatory records search is \$40 with processing time of seven days or less. The records search will describe all construction, repair, or alteration permits that have been issued for the subject property and if the completion of that work was documented by the city to be in compliance with all applicable codes and regulations.

The fee for the optional physical home inspection is \$150 with a scheduling time of one week in advance. This service includes the mandatory records search. In addition to the records search, the onsite inspection will identify any unsafe conditions, construction code violations, or work done without the benefit of permits or inspections.

### **Baltimore, MD (pop. 651,000)**

#### Rental Property Inspections

This ordinance has been in place for more than 30 years. Requires inspections of any type of revenue-producing unit on an annual basis. Buildings with three or more units are charged \$35 per unit and buildings with less than three units are charged \$25 per unit. Similar ordinances exist in Howard County and Prince Georges County, MD.

### **Pasadena, CA (pop. 142,202)**

#### Occupancy Inspection Program

The Occupancy Inspection Program is designed to ensure the quality and maintenance of the City's single family homes, duplexes, and condominiums. This is achieved by conducting inspections of these dwelling units at the **time of sale or change of occupancy**. If, at the time of inspection, a dwelling unit is found to be in violation of the Housing Code, the property owner is notified of the violations and given a reasonable time to correct them. Upon correction of the violations, a [Certificate of Occupancy](#) is issued and remains valid until the dwelling unit is again sold or rented.

Typical items checked during an Occupancy Inspection include the electrical, plumbing, and heating systems, structural hazards, and other health and safety items. In addition, Zoning concerns such as illegal building additions and the conversion of garages, attics, and basements to dwelling spaces are also checked.

The Occupancy Inspection Program is administered by the Code Compliance Section of the Planning and Development Department. Cost is \$102 per single family or duplex, \$89 per dwelling unit for condominiums, and \$30 per dwelling unit for rental units.

#### Quadrennial Inspection Program

The Quadrennial Inspection Program was established in 1987 to ensure the quality and maintenance of the City's multi-family housing stock. The Quadrennial Inspection Program was developed with the cooperation of the Foothill Apartment Owner's Association, the Pasadena Board of Realtors, and City staff.

All rental properties containing three or more units are subject to the Quadrennial Inspection Program, and are inspected once every four years. After inspection, property owners are notified of any existing code violations and given a reasonable time for their correction. Upon correction of all violations, a Certificate of Occupancy is issued for the rental properties. This program has been effective in identifying multi-family properties that suffer from neglected maintenance, and has contributed significantly to the improvement of the City's rental housing stock.

The Quadrennial Inspection Program is administered by the Code Compliance Section of the Planning and Development Department.

#### Code Compliance Certificate – Business Licensees

Before the City issues a business license and/or connects utilities for a business, the applicant is required to secure a Code Compliance Certificate. To obtain a Code Compliance Certificate, you must submit an application to the Business License Section, along with your Business License application form.

The Code Compliance Certificate is to ensure that the proposed business will meet the requirements of the Zoning Code in the particular Zoning District.

The Code Compliance Certificate fee is in addition to the fee for a Business License. The Business License fees will vary depending on the type of business and the number of people involved. The fees for both the Code Compliance Certificate and business license are due at the time of application.

# EXHIBIT 5 Cross Walk Organizational Chart Showing Changes to Existing

